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83^D CONGRESS
2^D SESSION

H. R. 8357

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1954

Mr. BARDEN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths basket for fruits and vegetables.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Act entitled "An Act to fix standards
4 for hampers, round-stave baskets, and splint-baskets for fruits
5 and vegetables, and for other purposes", approved May 21,
6 1928, is amended by (1) inserting after "one-fourth bushel"
7 and before "one-half bushel", the words "three-eighths
8 bushel", and (2) by inserting after subparagraph (b) an
9 additional subparagraph (bb) reading as follows:
10 “(bb) The standard three-eighths bushel hamper or

1 round-stave basket shall contain eight hundred and six and
2 four-tenths cubic inches.”

3 SEC. 2. This Act shall take effect immediately after the
4 date of its enactment.

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By Mr. BARDEN

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Referred to the Committee on Interstate and Foreign
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S. 3151

IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, MARCH 1), 1954

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Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 16, 1954
For actions of April 15, 1954
83rd-2nd, No. 70

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HIGHLIGHTS: Senate debated buildings lease-purchase bill. Sen. Dirksen defended reduction in dairy price supports. Rep. Kean introduced and discussed bill to extend Trade Agreements Act.

HOUSE

1. STANDARD CONTAINER. The Interstate and Foreign Commerce Committee was granted permission until April 23 to file a report on H. R. 8357, to amend the Standard Container Act to provide for a 3/8ths bushel measurement (p. 4929). The Committee had earlier ordered this bill reported (p. D420).
2. TARIFF RATES. Rep. Bailey criticized the President's request for reduced tariffs and described some of the possible effects this would have on the price support programs (pp. 4936-7).
3. BUDGETING. Rep. Fisher stated that proposed reductions in income taxes should not be authorized until the budget is balanced (pp. 4943-5).
4. FARM PRICES. Rep. McCormack described some of the accomplishments of the administration and stated that "the problem of farmers' falling income, which Secretary Benson would reduce still further..., is still unsolved" (pp. 4945-6).
5. ADJOURNED until Mon., Apr. 26. (p. 4949).

SENATE

6. BUILDINGS. Continued debate on H. R. 6342, to authorize GSA to provide for private construction of buildings with lease agreements providing for gradual purchase of the buildings by the Government (pp. 4904-11, 4922-3).
Agreed to the following amendments:
By Sen. Kuchel, requiring approval by the Budget Bureau of each lease-purchase agreement before submission to the Public Works Committees, and limiting certain payments for amortization (pp. 4904-8).
By Sen. Stennis (to perfect Sen. McClellan's amendment agreed to Apr. 14) prohibiting any lease-purchase agreement unless the agreement is approved by the Public Works Committees (p. 4908).

By Sens. Cordon and Stennis providing that every lease-purchase contract shall be paid off in equal annual amounts, limiting such contracts in any one year to specific limitations in appropriation acts, and establishing a limitation of \$4 million therefor prior to July 1, 1955 (pp. 4909-11).

Agreed that beginning Tues., Apr. 20, debate will be limited on any amendment to 1 hour, and that debate on passage of the bill will be limited to 1 hour (pp. 4922-3).

7. DAIRY PRICE SUPPORTS. Sen. Dirksen spoke in defense of Secretary Benson's reduction of dairy price supports (pp. 4898-9).

Sen. Humphrey stated he had received a number of resolutions and petitions from various Minn. communities "urging that farm price supports be maintained at 90 to 100 percent of parity" (p. 4895).

8. BUDGETING; PERSONNEL. Sen. Carlson praised the appointment of Rowland R. Hughes to succeed Joseph M. Dodge as Director of the Bureau of the Budget (pp. 4897-8).

9. RECESSED until Mon., Apr. 19 (p. 4927).

BILLS INTRODUCED

10. FARM LABOR. H.R. 8857, by Rep. Reed, N.Y., to extend and improve the unemployment compensation program; to Ways and Means Committee (p. 4949).

11. FARM PROGRAM. H.R. 8858, by Rep. Martin, Iowa, "to encourage a stable, prosperous, and free agriculture;" to Agriculture Committee (p. 4949).

12. TRADE AGREEMENTS. H.R. 8860, by Rep. Kean, to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended; to Ways and Means Committee (p. 4949). Remarks of author (pp. 4929-30).

13. PERSONNEL. H.R. 8863, by Rep. Hardy, to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide a uniform rate for the computation of all annuities; to Post Office and Civil Service Committee (p. 4949). Remarks of author (p. 4946).

14. PUBLIC WORKS. H.R. 8864, by Rep. Howell, to offset unemployment by providing for Federal assistance to States and local governments in projects of construction, alteration, expansion, or repair of public facilities and improvements; to Public Works Committee (p. 4949).

15. EDUCATION. H.R. 8867, by Rep. Holt, to provide financial assistance for the construction of public elementary and secondary schools in the States, and other parts of the U.S.; to Education and Labor Committee (p. 4949).

H.R. 8868, by Rep. Holt, to provide for Federal financial assistance to the States and Territories in the construction of public elementary and secondary school facilities; to Education and Labor Committee (p. 4949).

16. CIVIL DEFENSE. H. J. Res. 501, by Rep. Aspinall, and H. J. Res. 503, by Rep. King, Calif., to constitute the Federal Civil Defense Administration an executive department; to Government Operations Committee (p. 4949).

for treating such service differently than when it is performed for industrial firms carrying on the same operations. The President's Economic Report points out that these services "cannot reasonably be classed as agricultural pursuits."

An additional change would treat as a cooperative organization—now covered by the law—an unincorporated group of operators if the number of operators in the group is more than 20. This would remove an existing inequity since formally organized cooperatives, regardless of size, are now covered, but larger unincorporated groups of operators are not. This proposed change, like the others mentioned above, would make the definition correspond to that used for purposes of the old-age and survivors insurance system.

Similarly, coverage would be extended to services performed off the farm in connection with the raising or harvesting of mushrooms, the processing of maple sap into maple sirup and maple sugar as distinguished from the gathering of maple sap, and the hatching of poultry. In addition, the bill will extend coverage to services performed in connection with the operation of ditches, canals, reservoirs, and waterways which are owned or operated for profit and are, therefore, in reality an industrial venture and not merely an incident to the farming operation. Such waterways, if operated by farmers on a nonprofit basis, would continue to be exempt. As already stated, all of these operations are now excluded from the definition of agricultural labor for purposes of the old-age and survivors insurance tax and the withholding tax. The proposed amendment, therefore, merely incorporates the old-age and survivors insurance tax definition by reference.

SECTION 3. REDUCED RATES FOR NEW EMPLOYEES

In all States employers are granted reductions in the unemployment taxes they must pay the State if their unemployment experience meets certain requirements. The Federal Unemployment Tax Act allows employers to credit this reduction against their Federal unemployment tax. In other words, an employer who has received such a reduction is credited with the difference between the amount actually paid and the amount he would have been required to pay if he had not received the reduction. The Federal law grants this additional credit, however, only if the State law requires an employer to have at least 3 years of experience before he can be given a tax reduction. This means that a new employer is required to pay the full tax for at least these initial years even though his experience in those years is as favorable as that of an established employer. In many States, this means that new employers carry a very large proportion of current unemployment taxes. They are thus put at a competitive disadvantage with established employers and are required to carry an extra financial load at a time they can perhaps least afford it.

This bill minimizes this situation by permitting rate reductions to be extended to new employers after they have had at least a year's experience. In effect, during the first 3 years of an employer's coverage, the amendment ties the period of experience required before rate reduction to the period of time the new employer has had experience under the law. In other words, the rate for an employer who has had a year's experience must be based on a year's experience, the rate for one who has had experience for 2 years, on the basis of 2 years' experience. This amendment was recently recommended by the Federal Advisory Council which considered the problem in detail.

The amendment is not intended to give new employers any competitive advantage over established employers, but merely to

equalize as much as possible the opportunity for rate reductions between new and established employers. The factors used to measure the experience of employers vary from State to State. Under the amendment it is intended that the State measure the experience of new employers by the same factor (or factors) that it uses to measure the experience of established employers. For example, one of the most common factors is a reserve balance (the excess of contributions collected over benefits paid and charged to the employer's account). Thus, a State which uses a reserve balance for established employers must do so for new employers. However, in some States an employer who does not have 3 years of experience, as the Federal law now requires, could not attain the reserve now required of established employers. In these States, therefore, a proportionate reduction would have to be made in this reserve requirement to enable new employers with less than 3 years' experience to take advantage of the permission granted by the bill's new rate reduction provision. The bill does not intend to give new employers any greater advantage than established employers. Any difference in reserve requirements granted to new employers would therefore have to bear the same proportion to the requirement placed on established employers as the period of coverage required of the two groups. In other words, if a 6-percent reserve requirement is required of established employers with 3 years' experience, at last 4 percent must be required of employers with 2 years' experience.

SECTION 4. ELIMINATION OF QUARTERLY INSTALLMENTS

Section 4 of the bill eliminates the right to pay the tax in quarterly installments. This amendment is designed to relieve the Government of the costly administrative burden which would otherwise be imposed upon it if the 1,800,000 new taxpayers added by section 1 of the bill were permitted to pay their tax in quarterly installments. Elimination of this provision should not impose an undue burden on the taxpayers; this is indicated by the fact that some 85 percent of the total taxes due are now paid at the time of filing the return without using the installment payment option. Furthermore, unlike the old-age and survivors insurance tax, the unemployment tax is not due until the year after that in which the taxable wages are paid. The old-age and survivors insurance tax, on the other hand, is payable in quarterly installments during the year in which the wages are paid.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until April 23 to file a report on the bill S. 2846.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until April 23 to file a report on the bill H. R. 8357, and that the gentleman from Illinois [Mr. MACK] may be permitted to file a minority report in connection therewith.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SPECIAL ORDER GRANTED

Mr. BOW asked and was given permission to address the House for 30 minutes on April 29, following the legislative program and any special orders heretofore entered.

DR. J. ROBERT OPPENHEIMER

(Mr. CLARDY asked and was given permission to address the House for 1 minute.)

Mr. CLARDY. Mr. Speaker, I trust that the Members of this House have noticed an odd circumstance in the Oppenheimer matter. The two left-wing members of Americans for Democratic Action who broke the Oppenheimer story have not yet been accused of smearing the doctor. No left-winger has accused the Alsop brothers of making wild unsubstantiated charges against the doctor. Indeed, the silence of the left on this angle of the matter has been thunderous.

If my committee or any other committee engaged in unearthing Communists had dared to say one-tenth of the things the Alsops published, the whole pack of left-wing columnists and commentators would have been baying after us, accusing us of all the crimes imaginable. The old familiar chant of witch-hunting, smearing, and the like would have been deafening. It occurred to me that this fact might have gone unnoticed. I think it is significant. I guess it depends on whose ox is being gored.

TRADE AGREEMENTS ACT

(Mr. KEAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEAN. Mr. Speaker, I have introduced today in accordance with President Eisenhower's recommendation a bill to extend the Trade Agreements Act and to authorize the President to negotiate trade agreements with other countries of the free world until June 30, 1957, and to make certain moderate reductions in the United States tariff in order to carry out those trade agreements.

BACKGROUND OF THE BILL

More painstaking work by the administration, more careful analysis, and more extensive public and private discussion have gone into the preparation of this bill than into any trade agreements legislation since 1934. The process began in earnest in August 1953 when this Congress enacted title III of Public Law 215. That title, you will recall, created a Commission on Foreign Economic Policy.

The Commission had a broad mandate. Its task was that of surveying the entire range of American foreign economic policy and of recommending to the President and the Congress what the international relationships of the United States ought to be in the economic field, bearing always in mind our twin aims: health and vigor in our domestic economy, and strength and security in our international relations.

The Commission was unprecedented in its makeup. It consisted of seven Presidential appointees, outstanding men drawn from many walks of American life. It included also 5 distinguished Senators and 5 distinguished Members of this House. Both Republicans and Democrats were included on the Commission, reflecting the bipartisan tradition in which our foreign economic policy has been formulated.

On January 23, 1954, this Commission produced its report. On March 30, 1954, the President addressed a message to the Congress of the United States based upon this report.

The President's message, in nine closely reasoned pages, set out a comprehensive foreign economic policy for the United States.

Conceived as a whole—

The President said—

this program consists of four major parts:
Aid, which we wish to curtail;
Investment, which we wish to encourage;
Convertibility, which we wish to facilitate;
and

Trade, which we wish to expand.

SIGNIFICANCE OF THE BILL

The bill which I have introduced today would implement only one part of the President's program. But for many reasons it is the most indispensable part of the program. Without it, the program as a whole would fall.

The bill comes before this House as the first test of the sentiment of this Congress with respect to the President's proposals. In his message of March 30, the President set out clearly the philosophy on which his proposals were based. In that message, he said that the solution to many of the economic problems confronting the United States and foreign nations today lay in a higher level of two-way trade. He called for greater freedom throughout the world from restrictions and controls and for the increased efficiencies which develop with a freer play of economic forces. He pointed out that the failure to move in the direction suggested by this bill will directly threaten our domestic economy, since it will doom our efforts to find ways by which others, through their own efforts, can buy our goods. The only practicable alternative to the bill, he said, is to reduce our exports. Our farmers would have to sell less. American factories now selling their products throughout the world would have to reduce employment. Over 4 million American workers and their families who are dependent on international trade for their livelihood would feel the stress of shrinking markets.

One question which will arise in all our minds in considering this bill is, Why now? Why not wait? The answer is that we have waited long enough. The program of which this bill is a part was developed carefully over an 8-month period. It is not the product of hasty improvisation, but the considered proposal of a mature and representative group.

Meanwhile, however, precious time has passed. International events are moving at a headlong pace. Other nations are daily growing more uncertain as to the

course which the United States proposes to follow. This uncertainty is dangerous. It threatens our security and the security and cohesion of the free world.

The uncertainty is particularly apparent on a number of specific fronts. First of all, nations are wondering how to respond to the blandishments of the Soviet bloc substantially to increase East-West trade. So long as that increase is confined to peaceful goods we need have no undue concern. But there is always a real danger that increased trade may spill over into the area of strategic goods, to the detriment of our security. This danger can be reduced if it is clear to the nations of the free world that higher levels of trade are likely to be developed among them. A clear affirmation by the United States of its intentions to move in the direction of increased two-way trade in the free world could hold that danger in check.

Our own economic situation also demands that we try to achieve a higher level of international trade. For many years after the war American exports were in great demand throughout the world. Our exports rose phenomenally, with the increase financed largely by dollar aid. But in order for that export increase to be maintained in the years ahead, other nations must earn enough dollars so that they can pay for the flood of American goods which their citizens want. They must be persuaded that the future is sufficiently secure that they can afford to go without the system of controls and licenses which they have used until now in order to ration their scarce American dollars. That is to say, we must try to achieve the convertibility of the major foreign currencies. We already know that this convertibility cannot be obtained in the foreseeable future unless this Congress puts itself squarely on record as favoring a higher level of two-way trade.

I earnestly hope that the Congress will speedily enact this bill as evidence of its faith in the President's program and as evidence of its desire to achieve a sounder domestic economy and a stronger and safer free world.

ANNOUNCEMENT

(Mr. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JENKINS. Mr. Speaker, I take this time to announce that on the 11th of May at 11 o'clock in the morning there will be a dedication in the rotunda of the Capitol of the beautiful and historic frieze that has attracted the attention of millions of people from all parts of the world for many years. This historic frieze was arranged for by congressional legislation passed nearly a hundred years ago. Work on the frieze was begun in 1877 and the first portion of this artistic work was done by Brumidi, an Italian artist, who has, by many experts on artistic work of that kind, been considered to be one of the world's most famous artists. Brumidi died after having completed only about one-half of the work. He was succeeded by Costagini, another famous Italian artist. But

the work was stopped about 60 years ago. Since that time there was a vacant space of about 30 feet left unfinished. During all that time no special effort was made to finish the work until 1939 when I introduced a resolution in the House providing for the completion of the work and specifying that the portion of that space, lying next to the picture depicting the discovery of America by Columbus, should be used by placing therein a picture properly depicting the great accomplishments of the Wright brothers in producing the first airplane in the whole history of the world. The first resolution introduced by me did not become a law, but after some considerable persistence on my part by introducing subsequent resolutions, the Congress passed my resolution which President Truman signed and approved August 17, 1950.

Immediately after the passage of this resolution, the Joint Committee on the Library, made up of Members from the Senate and the House, proceeded to take steps to comply with the provisions of that resolution and decided that the said vacant space should be made to portray three great historical events in American history. One of the events was the Civil War; another of these events was the Spanish-American War; and the third event was to portray the birth of aviation in the United States and thereby give recognition to the accomplishments of the Wright brothers, who proved that flight by power could be accomplished—thereby they gave to the world a means of transportation that has served mankind in peace and in war.

The artistic completion of this historical frieze was done by Allyn Cox who, by reason of his work on this frieze, will place him in the hall of fame of the leading artists of all time.

The dedication of this beautiful frieze depicts many of the most important events in American history commencing with the discovery of America by Christopher Columbus in 1492 and extending to the end of the 20th century.

All of the Members of the House of Representatives and the Senate are invited to this dedication.

Hon. Dwight D. Eisenhower, the President of the United States of America, will dedicate this historic frieze. No one living in America could do this more appropriately than our distinguished President.

I hope that all of the Members of the House and Senate will be present at this important occasion.

(Mr. ROOSEVELT (at the request of Mr. HAYS of Ohio) was given permission to extend his remarks at this point in the RECORD.)

[Mr. ROOSEVELT'S remarks will appear hereafter in the Appendix.]

ANOTHER TYPICALLY OPTIMISTIC NOTE

(Mr. HAYS of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Arthur M. Churchill, Washington, D. C., who urged disallowance of present charitable deduction for certain foreign gifts which he did not believe to be charitable;

J. Stanley Halperin, New York, who opposed section 171 (b) (1) (B), amortizable bond premium; and

Carl B. Grawn, an attorney of Detroit, who favored section 213, liberalizing present medical deductions.

Hearings continue tomorrow.

DEFENSE PROGRAM

Committee on Foreign Relations: Committee met in executive session with Secretary of Defense Wilson and Chairman of Joint Chiefs of Staff Radford to discuss further new developments in our defense program and their relationship to foreign policies. Committee recessed subject to call.

NOMINATIONS

Committee on the Judiciary: Subcommittee held routine hearings on the following nominations: Potter Stewart, of Ohio, to be U. S. circuit judge, sixth circuit; James Alger Fee, of Oregon, to be U. S. circuit judge, ninth

circuit; Bailey Aldrich to be U. S. district judge for the district of Massachusetts; Alexander Bicks, Archie Owen Dawson, Edmund L. Palmieri, and Lawrence Edward Walsh, all to be U. S. district judges for southern district of New York; Jean Sala Breitenstein to be U. S. district judge for district of Colorado; and Robert Palmer Anderson to be U. S. district judge for the district of Connecticut.

Appearing on behalf of Mr. Stewart was Senator Bricker; on behalf of Mr. Aldrich was Senator Saltonstall; on behalf of Mr. Breitenstein was Senator Millikin; and on behalf of Mr. Anderson was Senator Bush. The nominees, with the exception of Mr. Breitenstein, appeared in their own behalf.

HEALTH REINSURANCE

Committee on Labor and Public Welfare: Subcommittee on Health continued hearings on health reinsurance matters, with testimony today from David B. Allman, American Medical Association, and W. H. Wandel, Farm Bureau Insurance Companies of Columbus, Ohio. Hearings continue Tuesday, April 20.

House of Representatives

Chamber Action

Bills Introduced: 12 public bills, H. R. 8857-8868; 4 private bills, H. R. 8869-8872; and 5 resolutions, H. J. Res. 501-504, and H. Res. 513, were introduced.

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Bills Reported: Reports were filed as follows:

H. R. 8571, to authorize the construction of naval vessels, amended (H. Rept. 1540); and

Disposition of executive papers (H. Rept. 1541).

Page 4949

Late Reports: The Committee on Interstate and Foreign Commerce was granted permission to file, by midnight Friday, April 23, reports on S. 2846, to amend certain acts administered by the Securities Exchange Commission; and H. R. 8357, to amend the Standard Container Act to provide for a $\frac{3}{8}$ ths bushel measurement.

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Adjournment: Pursuant to H. Con. Res. 224, the House adjourned at 1:16 p. m. until Monday, April 26, at 12 o'clock noon.

Committee Meetings

FARM PROGRAM

Committee on Agriculture: Testimony at today's public hearings on the administration's proposed long-range farm program was furnished by Vance Brand, president, Champaign National Bank of Urbana, Ohio, who also engages in extensive farm operations; C. W. Kitchen,

executive vice president, United Fresh Fruit & Vegetable Association; and Reuben A. Hall, tenant farmer, Clear Lake, Iowa. Recessed until tomorrow morning when concluding witnesses will testify.

MILITARY-NAVAL PUBLIC WORKS

Committee on Armed Services: Representatives of the Department of the Air Force continued to testify at the executive hearings on H. R. 8726, the military-naval public works bill. Today's witnesses were Maj. Gen. Lee B. Washbourne, Director of Installations; Col. J. F. Rodenhauer, Director of Real Property; and Jack Gibbens, Air Force Installations. Recessed until April 27, when the same witnesses are scheduled to continue.

FOREIGN OPERATIONS

Committee on Foreign Affairs: Continued its open and executive meetings for discussion of the Foreign Operations Program. Today's witness testified on offshore procurement, mutual special weapons, and facilities assistance. He was Tracy M. Voorhees, defense adviser to the U. S. permanent representative on the North Atlantic Council, and Director of Offshore Procurement, Office of the Secretary of Defense. Recessed until after April 26, subject to call.

VIRGIN ISLANDS

Committee on Interior and Insular Affairs: The Subcommittee on Territories approved for reporting to the full committee H. R. 5181, amended, the Revised Organic Act of the Virgin Islands of the United States.

BASKETS—SECURITIES

Committee on Interstate and Foreign Commerce: Ordered the following bills reported to the House—

H. R. 8357, amended, to provide for a $\frac{3}{8}$ th bushel basket for fruits and vegetables; and

S. 2846, amended, relating to the regulation and sale of securities. Section 6 of the proposal was stricken from the reported bill, which would exempt from registration with the SEC, securities offered or sold within a single State, and issues of securities not aggregating more than \$500,000—it will now remain at \$300,000.

AGENDA

Committee on Interstate and Foreign Commerce: Announced the following schedule of public hearings—

April 27—sponsors' day for committee members only.

April 28, 29, and 30—H. R. 7700, mortgage loan insurance for hospital construction.

May 4—H. R. 6253 and 6346, overtime compensation for certain Public Health Service employees.

May 5, 6, and 7—continuation of public hearings on H. R. 8356, health reinsurance bill.

May 10—H. R. 7461, 7471, 7513, to amend the Interstate Commerce Act to regulate foreign motor carriers while in the U. S.

May 11—H. R. 5940, provide licensing system for armored apparel; followed by H. R. 7374, prohibit switch-blade knives in interstate commerce.

May 12, 13, and 14—H. R. 563, 1013, 1250, 3890, 7304, 7324, 8088, and 8160, to prohibit segregation or discrimination in interstate transportation. Time to be equally divided between proponents and opponents of the legislation.

May 19, 20, and 21—H. R. 1227 (Bryson bill) on liquor advertising; time to be divided equally.

May 25, 26, and 27—H. R. 2341, to prohibit water fluorination; time to be divided equally.

June 2, 3, and 4 on all pending railroad-retirement bills; time to be divided equally.

All hearings will start at 10 a. m., and be conducted in room 1334, New House Office Building.

SOCIAL SECURITY

Committee on Ways and Means: Concluded its public hearings on H. R. 7199, to expand coverage and improve

the old-age and survivors insurance program. Final witnesses were William G. Caples, vice president of Inland Steel Co., representing National Association of Manufacturers; A. D. Marshall, secretary of the pension board, pension trust, education fund, and savings and stock bonus trust of the General Electric Co., representing the U. S. Chamber of Commerce; A. R. Findley, vice president, Wieboldt Stores, Inc., of Chicago, Ill., representing National Retail Dry Goods Association; Edgerton Hart, representing Conference of State Manufacturers Association; Charles A. Davis, president, Council of State Employees of New Jersey; and Henry L. Bridges, auditor of the State of North Carolina.

A statement for the record was also filed on behalf of the Commonwealth of Pennsylvania.

Joint Committee Meetings

APPOINTMENT OF SUBCOMMITTEES

Joint Committee on the Economic Report: Committee announced the appointment of the following two new subcommittees: Subcommittee on Economic Stabilization (Senators Flanders, chairman, Goldwater, and Fulbright, and Representatives Simpson of Pennsylvania and Patman); and Subcommittee on Economic Statistics (Representatives Talle, chairman, and Bolling, and Senator Carlson).

Senator Flanders, chairman of the Subcommittee on Economic Stabilization, announced simultaneously that he has asked the committee staff to bring together the latest information on current economic trends for presentation to the first meeting of the subcommittee, which will be held some time during the next week.

Representative Talle, chairman of the Subcommittee on Economic Statistics, will call a meeting of the subcommittee in the next few days to consider subcommittee plans for the remainder of the year.

CONGRESSIONAL PROGRAM AHEAD

Senate Chamber

(Week of April 19-24)

On Monday, Senate will call calendar for unobjected-to bills from Order No. 1149 (where last calendar call left off). On Tuesday, action will be completed under debate limitation on H. R. 6342, lease-purchase bill, to be followed by consideration of S. 2911, wool bill.

Senate Committees

Committee on Agriculture and Forestry: April 20 and 21, on S. 3052, general farm program (Wednesday to hear Secretary Benson), 10 a. m., 324 Senate Office Building.

Committee on Appropriations: April 20, full committee, executive, to mark up H. R. 8481, third supplemental appropriations for 1954, 10 a. m., room F-37, Capitol;

April 19, subcommittee, on H. R. 8779, Agriculture appropriations, 10 a. m., room F-39, Capitol;

April 19, and 21-23, subcommittee, on H. R. 8680, Interior appropriations, 10 a. m., room F-82, Capitol;

April 19-21, subcommittee, on H. R. 8583, independent offices, Monday at 10 a. m., room P-63, Capitol;

April 19-22, subcommittee, on H. R. 8067, State, Justice, Commerce (Monday at 2 p. m., room F-37, Capitol), Thursday on funds for U. S. Information Agency.

Committee on Armed Services: April 20, Subcommittee on Real Estate and Military Construction, 9:30 a. m., 212 Senate Office Building;

April 22 and 23, full committee, on H. R. 6573, Reserve Officer Personnel Act of 1953, 10 a. m., 212 Senate Office Building.

Committee on Banking and Currency: April 19, to hold hearings in connection with FHA investigations (HHFA Administrator Cole, Guy T. O. Hollyday, and Clyde L. Powell have been asked to appear), 10 a. m., 318 Senate Office Building.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued April 30, 1954

For actions of April 29, 1954

83rd-2nd, No. 79

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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HIGHLIGHTS: House passed defense appropriation bill. (Amendment to increase milk ration was ruled out of order.) House Rules Committee cleared St. Lawrence seaway bill. Senate concurred in House amendment to bill authorizing court review of Government contracts. Sen. Thye introduced and discussed bill to distribute surpluses through voluntary agencies to needy abroad.

SENATE

1. CONTRACTS. Concurred in the House amendment to S. 24, to provide for court review of Government contracts (pp. 5413-4). This bill will now be sent to the President.
2. PRICE SUPPORTS. Sen. Morse inserted a statement by H. V. Weatherford opposing flexible price supports (pp. 5435-6).
3. FOREIGN TRADE. Sen. Malone spoke in favor of protective tariffs, etc. (pp. 5429-31).
4. ST. LAWRENCE SEAWAY. Sen. Wiley spoke in favor of this project (p. 5421).
5. RECESSED until Mon., May 3 (p. 5436). The bill to amend the Taft-Hartley law was made the unfinished business (p. 5433).

HOUSE

6. DEFENSE APPROPRIATION BILL, 1955. Passed with amendments this bill, H. R. 8873 (pp. 5438-79). An amendment by Rep. Roosevelt, to increase the daily milk ration to 1 quart and to have the extra amount paid for from CCC funds, was ruled out of order (pp. 5446-7).
7. ST. LAWRENCE SEAWAY. The Rules Committee reported a resolution for consideration of S. 2150, to authorize this project (p. 5494).
8. INTERGOVERNMENTAL RELATIONS. Rep. Goodwin was appointed to the Committee on Intergovernmental Relations (p. 5437).

9. CONTAINERS. The Interstate and Foreign Commerce Committee was authorized to report today (during adjournment) H. R. 8357, to amend the Standard Container Act so as to provide for a 3/8 bushel basket (p. 5484).
10. DAIRY SURPLUS. Rep. Marshall inserted USDA press releases on plans to use some of the dried-milk surpluses for livestock feed, and he objected to this plan (pp. 5484-5).
11. ADJOURNED until Mon., May 3 (p. 5494). Rep. Halleck announced that the Consent Calendar will be considered Mon., the Private Calendar on Tues., and that debate on the St. Lawrence seaway is to begin Wed. (p. 5480).

BILLS INTRODUCED

12. SURPLUS COMMODITIES. S. 3377, by Sen. Thye, to provide for the effective distribution through voluntary agencies of surplus agricultural commodities abroad to needy persons; to Agriculture and Forestry Committee (pp. 5406-7). Remarks of author (pp. 5407-9).
13. FLAMMABLE FABRICS. S. 3379, by Sen. Purtell, to amend the Flammable Fabrics Act so as to exempt fabrics and wearing apparel which are not highly flammable; to Interstate and Foreign Commerce Committee (p. 5407). Remarks of author (pp. 5409-13).
14. PERSONNEL. H. R. 8947, by Rep. Broyhill, to amend the Civil Service Retirement Act; to Post Office and Civil Service Committee (p. 5494).
H. R. 8950, by Rep. Scott, to extend the Classification Act to additional positions; to Post Office and Civil Service Committee (p. 5494).
15. SURPLUS COMMODITIES. H. R. 8952, by Rep. Roosevelt, to authorize the transfer of funds available to CCC so as to increase the ration of whole fluid milk for the armed services and for school lunches; to Agriculture Committee (p. 5494).
16. SURPLUS PROPERTY. H. R. 8953, by Rep. Wampler, to permit volunteer fire departments and rescue squads to receive property surplus to the needs of the Federal Government; to Government Operations Committee (p. 5494).

COMMITTEE HEARINGS RELEASED BY GPO

17. HOUSING. S. 2889, S. 2938, and S. 2949, proposed Housing Act of 1954. S. Banking and Currency Committee.
18. RECLAMATION. H. R. 4443, H. R. 4449, and H. R. 4463, Colorado River Storage Project. H. Interior and Insular Affairs Committee.

ITEMS IN APPENDIX

19. PRICE SUPPORTS. Sen. Kefauver inserted E. G. Shinner's article favoring price supports for small farmers only (pp. A3109-10).
Sen. Thye inserted an article by A. D. Stedman opposing the reduction in dairy supports (p. A3116).
Rep. Patterson inserted a report on the Conn. College of Agriculture conference on agricultural policy, analyzing price-support problems (pp. A3117-8).
Rep. King, Pa., inserted a Christian Science Monitor article favoring flexible price supports (p. A3125).
20. FERTILIZER. Rep. Hays, Ohio, inserted an Ohio Farm Bureau News article favoring the Hells Canyon project in order to get cheap power to develop the phosphate

	Americans	Japanese
Leaders and specialists.....	9	149
Lecturers and research specialists.....	26	47
Teachers.....	7	36
Students.....	19	145
	63	277

¹ Includes high-status trainees.

The authorized 1954 fiscal year appropriations were approximately the same as for 1953. But in view of the contemplated use of \$900,000 in yen equivalent, the dollar amount was less. The number of American grantees was slightly expanded with reduced emphasis on leaders—or specialists—and increased emphasis on lecturers and research scholars. The total number of Japanese grantees was reduced by 15 percent as a result of a 50 percent reduction in the number of leader, specialist, lecturer, and research scholar grants to Japanese. The 1955 appropriation request was slightly higher, but in view of the contemplated use of \$1 million in yen currency, the dollar costs would remain approximately the same as for 1954 fiscal. Under this request, the number of American grants would increase slightly while the number of Japanese grants would be increased to approximately the 1953 fiscal level.

FINDINGS AND RECOMMENDATIONS

On the basis of its rather limited observations of the United States-Japanese exchange of persons program in operation, the subcommittee received a favorable impression of its operation.

This program is of great potential consequence in checking the unfortunate amount of anti-American sentiment in Japan, in increasing Japanese understanding of the United States, in winning support for the free world in its strategic opposition to Communist expansionism, and in preserving and supporting the spirit behind some of the occupation era reforms.

It is especially effective with the Japanese because of their interest in and respect for professional and cultural leaders and because it places influential Japanese in direct contact with those aspects of American life we wish Japanese opinion to understand. Furthermore, the Japanese participate in making most of the selections. In this connection, the subcommittee supports the recommendation of the Senate Foreign Relations Committee that "wherever practicable the binational commissions abroad functioning as part of the Fulbright program shall also make selections of educational exchanges under the Smith-Mundt Act"—report on overseas information program of the United States. Report No. 406, 83d Congress, 1st session, June 15, 1953. The subcommittee also suggested that consideration be given to extending the grants of Japanese students in the United States to 2 years in instances where this is appropriate. One year is a short period for a young Japanese to absorb what the United States has to offer.

The cost of this program to the United States taxpayer is running less than one-half a million dollars a year. There has

been no economic aid program for Japan since the end of the occupation. In 1954 it is planned to allocate to economic support \$10 million of the yen proceeds from the sale of surplus agricultural commodities. There has been no Government-financed technical assistance program. In the Philippines, for example, there will be five times as many United States Government-financed exchanges in 1954 on a per capita basis. In view of the importance of the contributions which the exchange-of-persons program can make to the achievement of our objectives in Japan, the subcommittee believes it should be expanded.

In the Far East, to a greater degree than in any other geographic region of the world, few exchange visits have occurred except as assisted by United States Government grants. The factors which stimulate citizens of one nation to visit another nation under private resources, such as cultural similarity, proximity, common language, religious affiliation, commercial interdependence, et cetera, are relatively weak between the United States and the Far East. Very few exchange visits have occurred or will occur with nations of the Far East except as stimulated and assisted by the United States Government. The subcommittee received testimony on the fine work of private American organizations such as church groups, Socony-Vacuum, the Crew Foundation, the Rockefeller Foundation, the Bancroft Foundation, and college groups. The subcommittee feels that maximum encouragement should be given to private exchanges.

There is sufficient flexibility in the Smith-Mundt Act to permit it to be used to achieve some of the purposes in the technical assistance field which are served in other countries by programs under the provisions of Mutual Security and International Development legislation. It can be adjusted to bring substantial numbers of influential Japanese industrialists and leaders in technical fields to the United States. Such adjustment would be in accord with the objectives of this act if grantees were selected on the basis of their opinion-molding potential and if program experiences were designed to emphasize pro-American orientation.

It is to be noted that during the occupation period, on an annual basis, some 500 to 800 Japanese were brought to the United States under the Exchange-of-Persons program of the Department of the Army. In addition, approximately 300 Japanese were annual recipients of grants to the United States under the Japanese Government program, which was financed largely by Department of the Army yen credits.

During the same period, thousands of Americans were in Japan as employees of the Department of the Army. During this period also, numerous projects and programs were initiated to strengthen democratic institutions in the governmental and economic field. Subsequent to the occupation period, however, the scope of exchanges has been reduced suddenly and drastically. In many instances this has eliminated United States followup on worthy occupation

programs and has minimized the show of United States interest in many Japanese problems of substantial concern to the United States. This is indicated most forcibly by the following data on the number of visits of Japanese leaders to the United States under United States Government programs:

1951.....	500
1952.....	250
1953.....	49
1954.....	25

The number of Japanese students brought to the United States annually under the State Department's program has been less than 50 percent of the number previously brought over during the occupation period.

The State Department has given high priority to minor increases in the Japan fiscal year 1955 program but has not asked for the funds necessary to support the Embassy's full request, in view of the fact that under a Budget Bureau ruling the worldwide appropriations request for fiscal year 1955 educational exchange program must not exceed the actual 1954 allocation.

This program in Japan along with the cultural centers probably can be increased, without extra cost to the American taxpayer, by the allocation of Japanese yen to support them under the provisions of the GARIO settlement to be negotiated in April. Under the Rabaut amendment—section 1415, Public Law 547, 82d Congress—dollar appropriations must be obtained for all United States-administered programs even though they actually are financed in whole or in part by foreign currencies. The subcommittee supports the application of the Rabaut amendment to foreign currency exchange programs and, therefore, is not sympathetic with the efforts that have been made to exempt these programs from the requirement that they obtain dollar appropriations.

However, where foreign currencies, not otherwise available to the United States, are, or can be made, available for sound and useful cooperative cultural and exchange programs, the subcommittee urges that they be used. If the facts are clearly presented to the Appropriations Committees of the Congress, there should be no difficulty in securing the appropriation of dollars, which, in fact, either will not be drawn from the Treasury or will be drawn only on a 25-cents-to-the-dollar ratio. Overall budgetary ceilings should not be applied so as to prevent the use of foreign currencies for desirable programs, when those currencies cannot otherwise be obtained or, if obtainable, cannot be used without replacing dollars needed by the foreign country for balance of payments reasons.

Those cultural and exchange programs are, in effect, binational. Therefore, in negotiations such as the GARIO settlement, the foreign government most probably will agree to set aside for them local currency over and beyond what it probably would agree to pay over to the United States for an exclusive United States expenditure—especially to replace a United States expenditure normally met in dollars. In the case of

exchange programs and cultural centers, the small amounts involved and the uses for which the expenditures are made, preclude a significant inflationary impact on the local country.

The President's budget requested \$1,464,340 for these programs for the 1955 fiscal year—\$1 million of which represented available yen credits. This was the Japanese portion of the request of \$15 million for the worldwide exchange program—\$7,560,166 of which represented available foreign currencies. H. R. 8067 cut this request to \$9 million and specified that \$7,560,166 of this "shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States." As applied to Japan, this appropriates \$1,062,000 of which only \$62,000 would represent dollars drawn from the United States Treasury. This would eliminate the Smith-Mundt leader and specialist—dollar—program and necessitate a large reduction in the Fulbright—yen—program since a 1-to-4 ratio of dollars to yen is estimated to be the lowest that is feasible.

In effect, H. R. 8067 would cut the undersized 1954 program of \$1,343,140 more than 50 percent. The subcommittee would regard any such action as dangerous in national security terms.

Before the passage of H. R. 8067, the State Department was preparing a supplemental appropriation request which would permit a 20-percent increase in the 1955 Japanese exchange of persons program as compared with 1954. On the basis of its survey in Japan, the subcommittee would recommend that this supplemental request, if presented, be approved so far as it applies to Japan.

SPECIAL ORDER GRANTED

Mr. BOW. Mr. Speaker, I have a special order for tonight which I wish to have withdrawn, and now ask unanimous consent that I may address the House for 30 minutes on Monday next, following the legislative program of the day and the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tomorrow night to file a report on the bill H. R. 8357, and that the gentleman from Illinois [Mr. Mack] may have the privilege of filing minority views therewith.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PRICES OF DAIRY PRODUCTS

(Mr. MARSHALL asked and was given permission to address the House for 1 minute and to revise and extend his re-

marks and include extraneous material therewith.)

Mr. MARSHALL. Mr. Speaker, some time ago on the floor of this House we had quite a discussion about the position that we were finding ourselves in, in connection with export trade for American farm products. On page 1129 of the hearings on the Department of Agriculture appropriation bill some questions were asked concerning the world price of American farm products. Particularly were we interested in dairy products and we asked some questions about the price of dairy products. We find that the price of dried milk varied, according to the figures furnished by the Department of Agriculture, from 12.8 cents to 8.5 cents per pound. We were interested in finding that on April 22, and I will include the press release with my remarks, that the Commodity Credit Corporation, Department of Agriculture, decided that they were going to dispose of their milk for animal feed for 3½ cents and 4 cents a pound.

Mr. Speaker, in all candor, I ask you what kind of a position is the United States of America in when they refuse to put the prices of American farm products onto the world market at the world price, and charge the taxpayers of this country with the difference between 15 cents a pound, which they are paying, and 3½ cents or 4 cents a pound that they are moving those products for feed for livestock? That does not make sense to me.

UNITED STATES
DEPARTMENT OF AGRICULTURE,
Washington, April 22, 1954.

PART OF CCC DRIED MILK SURPLUSES TO BE SOLD FOR FEED USE

A program under which part of the big surplus of nonfat dried milk solids held by the Commodity Credit Corporation will be sold for a limited period at reduced prices for use in mixed animal and poultry feeds was announced today by Secretary of Agriculture Ezra Taft Benson.

The stocks of dried milk were acquired by CCC in carrying out mandatory price support operations. As of April 14, the Corporation was holding more than 589 million pounds of dried milk in its inventories.

"This is the fifth specific action since late March in the series of steps we are taking to improve the current dairy situation," Secretary Benson said in commenting on the sale program.

"We are fortunately in position to realize two beneficial results from the program announced today. Supplies of high-protein feed supplements are short, due primarily to the reduced 1953 soybean crop. We can, therefore, move substantial amounts of our dried milk into feed use, relieving the Government of the need to carry some of the burdensome stocks. At the same time we can help stabilize the protein feed-supplement market to the advantage of livestock and poultry farmers. We will be putting some skim milk, for which there is no other current outlet, back into a normal and historic use as livestock feed.

"The feed-sale use will not interfere in any way with our programs to move dried milk stocks for human consumption. We have so much on hand that we can, and will, continue vigorously every effort to secure greatest possible distribution through such outlets as the school lunch program, donations for the relief of needy people both at home and abroad, sales for export, and other special programs. Distribution of CCC stocks of

dried milk for human consumption during the past 2 years has totaled nearly 300 million pounds.

"When I outlined the general plans for a broad dairy program on March 29 I said that we were prepared to take a loss on Government surplus stocks of dairy products. The sale of extra surpluses of dried milk at reduced prices for feed use is the sort of constructive program we had in mind."

Actions to improve the dairy situation which have been announced previously include: (1) A promotion campaign to push the consumption of dairy products, especially during June Dairy Month; (2) a nationwide educational program to increase the culling of low-producing dairy cattle; (3) offers to sell CCC stocks of cheese and dried milk for export at prices comparable with the world markets; and (4) a special program to facilitate the use of United States-produced butter and nonfat dried milk solids, for recommendation and sale as fluid milk in friendly countries abroad.

Sales of dried milk for feed use under the program announced today will begin in a few days, as soon as the necessary administrative procedures can be set up in field offices. Through August 31, 1954, CCC stocks of nonfat dried milk solids will be offered for sale for limited use by the domestic feed industry in most States at 3½ cents a pound. In the States of Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington the sales price will be 4 cents a pound. This price differential is in line with the normal freight differentials on shipments of other mixed feed materials to these States. The sales price includes delivery f. o. b. at destination points.

Nonfat dried milk purchased under this sales program must be bought prior to September 1, 1954, must be used in addition to the buyer's normal purchases of dairy products, fermentation byproduct feeds, fish solubles, and riboflavin supplements, and must be incorporated in mixed animal or poultry feeds prior to November 1, 1954.

A sales announcement will be mailed to the feed trade with all necessary details of the program. When sales start they will be made daily through Commodity Stabilization Service commodity offices in Cincinnati, New Orleans, Dallas, Kansas City, Mo., Minneapolis, and Portland, Oreg. The dried milk will grade U. S. Standard or better. Copies of the sales announcement will be available from the CSS commodity offices or from the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C.

On April 14 the USDA had stocks of nonfat dried milk solids amounting to 589.6 million pounds, costing approximately 16.73 cents per pound. Sales and other uses for this product have amounted to 165.9 million pounds for export, 20.3 million pounds for section 32 distribution, 101.3 million pounds for section 416 donation, 6.8 million pounds to the United States Army, and 1.7 million pounds for other disposals. The nonfat dried milk for these uses has come from purchases of over 885 million pounds of the product primarily under the 1952-53 (beginning April 1, 1952) and the 1953-54 (beginning April 1, 1953) dairy price support programs.

Officials of the Department do not believe the sale of CCC-owned dried milk for feed use will seriously affect the market for other feed supplements. The dried milk will be used largely to make up for the current shortage of soybean meal before the new crops come in. It has been estimated that production of soybean meal in the 1953-54 year will be around three-quarters of a million tons below the production a year earlier, and the effects of this reduction will be especially pronounced during the April-September period. However, the Department is considering the development of a program for use in the event that it is advisable to pro-

AMENDING THE STANDARD CONTAINER ACT OF MAY 21,
1928, TO PROVIDE FOR A $\frac{3}{8}$ -BUSHEL BASKET FOR FRUITS
AND VEGETABLES

APRIL 30, 1954.—Referred to the House Calendar and ordered to be printed

Mr. WOLVERTON, from the Committee on Interstate and Foreign Commerce, submitted the following

R E P O R T

[To accompany H. R. 8357]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 8357) to amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths basket for fruits and vegetables, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Amend the title so as to read:

A bill to amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths bushel basket for fruits and vegetables.

This amendment to the title of the bill does no more than add the word "bushel" before the word "basket".

GENERAL STATEMENT

The Standard Container Act of May 21, 1928 (Public Law No. 462, 70th Cong.) fixes the standard sizes of hampers, round stave baskets, and splint or market baskets for fruits and vegetables. With respect to hampers and round stave baskets, the law provides for 9 standard sizes of the following capacities: $\frac{1}{8}$ bushel, $\frac{1}{4}$ bushel, $\frac{1}{2}$ bushel, $\frac{5}{8}$ bushel, $\frac{3}{4}$ bushel, 1 bushel, $1\frac{1}{4}$ bushels, $1\frac{1}{2}$ bushels, and 2 bushels. With respect to the splint, or market baskets, the law provides for 6 standard sizes of the following capacities: 4 quarts, 8 quarts, 12 quarts, 16 quarts, 24 quarts, and 32 quarts, standard dry measure.

The dimension specifications for these hampers, round stave baskets and splint baskets for fruits and vegetables must be submitted to,

and be approved by, the Secretary of Agriculture, who is charged with the administration of this law. The Secretary is directed to approve the specifications for such baskets if he finds that they are not deceptive in appearance, and are of the capacities specified in the law. It is unlawful to manufacture, sell, offer for sale, or ship such baskets if they do not correspond to one of the standard capacities stated in the law.

PURPOSE OF AND NEED FOR LEGISLATION

The reported bill would merely provide for one additional sized basket, namely, the $\frac{3}{8}$ -bushel capacity, in the hamper or round stave style. The act already provides for a 12-quart splint basket, which is the equivalent of the $\frac{3}{8}$ -bushel capacity. The reported bill would, therefore, authorize a basket of somewhat different shape from the splint basket, but of a capacity identical to the 12-quart splint basket. The proposed $\frac{3}{8}$ -bushel hamper and round stave baskets could be put to use in the packaging and shipment of certain fruits and vegetables for which the already existing 12-quart or $\frac{3}{8}$ -bushel splint basket is not adaptable.

Testimony presented to the committee during the hearing on this bill established to the satisfaction of the committee the need for this $\frac{3}{8}$ -bushel round stave basket as an aid to the marketing of fruits and vegetables, particularly peaches. The market for fresh fruits has been depressed, from time to time, in recent years. The committee was advised that the proposed basket would stimulate the demand for, and additional consumption of, fresh fruits and vegetables, would broaden the market for growers, and would accomplish delivery of the fruits and vegetables in a better condition—with less bruising and injury to the contents. This size of basket, it was stated, would be very attractive as a gift package, and would contain just enough quantity of fruits and vegetables for the average family to consume before the onset of decay.

COMMITTEE HEARINGS

A preliminary hearing on this bill was held on March 22, 1954, and a further hearing was held on April 9, 1954. Representatives Barden of North Carolina, author of the bill, Campbell of Florida, Deane of North Carolina, and Ashmore of South Carolina, and other witnesses spoke in favor of the bill. There is no testimony in opposition to the bill. Mr. Barden urged prompt action on the bill so that the $\frac{3}{8}$ -bushel basket may be available when the peach crop begins to move in the next few weeks, and also for use later on in the packaging and shipment of other fruits and vegetables. Excerpts from their statements follow:

Representative Barden

* * * The growers of North and South Carolina had a meeting. They have an organization, * * * the peach growers association, and at this meeting they called for permission to use what they term a gift package * * * a $\frac{3}{8}$ -bushel basket.¹

* * * * *

Now, Mr. Chairman, I know that you are often called upon for quick action on legislation. I do not believe there would be the slightest opposition from

¹ Statement of March 22, 1954.

anybody to this bill. It is very, very important that this is passed as quickly as possible to take care of this year's crop of peaches.¹

* * * * *
The machinery and plants are set up * * * the plants are ready to go ahead producing this basket. The demand is available. The growers want the basket.¹
* * * It is awfully important to the industry and tremendously important to the people who are to manufacture these baskets that they have the time to put them on the market so they can be used.¹

* * * * *
This (basket) is in response to a great demand and will be a tremendous value to your pear folks and your peach folks and others. It is not too much for a family. It is the right size for quick transportation to arrive in good shape.¹

* * * * *
* * * I discussed it with some of the others from the peach- and apple-growing sections and I found that in every instance the peachgrowers, and the small peachgrowers, were tremendously interested in this [basket].²

* * * * *
Now, I do have letters here which indicate that a survey has been made through the growing areas, and the interesting thing to me is that I am somewhat in the position of Mr. Mack. Not a single person have I heard say that there was any objection to it. They all say, "Well, it probably is a good thing. We have no objection."²

*Representative Campbell*²

* * * I feel that this package [referring to the proposed $\frac{3}{8}$ -bushel basket] will increase sales for the small fruitgrower and packinghouse, and we have a great many in our State. * * * I cannot help but feel that this would fill a need for both express shipments and parcel-post shipments and with our mail-order business that it would help everyone in our area in disposing of the crop and would help the consumer at the other end, because he gets too much fruit otherwise.

Now, I am talking from personal experience as a grower. I send out many boxes of fruit during the season. Some of them sometimes send in a slip asking us not to ship, because they do not want to get so many packages at one time, and so that they can order them when they are ready for these packages.

And you take a package of this type and kind, it would hold enough to last a housewife for a week and she can use it up and will not have to stand that decay problem that faces her at the present time.

* * * * *
* * * Shipments of the small packages are going down. They are not increasing. It could take care of many special products, such as Temple oranges, tangerines, and the people get too much fruit at a certain time or season, and it will help on the decay problem in this type and kind of package.

*Representative Deane*²

* * * I can see in this basket how it is going to be particularly applicable not only to peaches, but to plums, apricots, and to citrus fruits that Mr. Campbell mentioned; but also the very fine McIntosh apples, pears, and tomatoes.

I have here a telegram I received from the gentleman who is the owner of the largest amount of stock perhaps in this North State Orchard in my district, of a thousand acres, and he urges me to support this particular container bill.

* * * I do feel that spoilage is involved, and if we fail to come to grips with this new container and, likewise, we do not give the consumers what they need, that we will lose. And, I certainly hope that the committee will look with favor upon this particular container * * *.

* * * * *
* * * I feel that this particular basket will open up an avenue of sales for the large, as well as the small growers, but will help get the product on the market, and in sizes that the average wage earners can buy, because when you get into the purchase of peaches or other fruits that come into the market, that goes into pretty good amounts, and this smaller size would mean a price differential there that I think would be attractive.

¹ Statement of March 22, 1954.

² Statement of April 9, 1954.

Representative Ashmore ²

I have written to the president of the South Carolina Peach Growers Association, and one of the directors of that organization explained this basket to him. They are vitally interested in it. They want it, and, it is for this reason principally, it will open up a new means of marketing fruit that is not now available to the grower and shipper, in that this package is a package that will appeal to the average family. It will appeal to the public as a gift package.

* * * * *

To me it seems that it would be ideal for shipping tomatoes; certainly ideal for shipping small packages of citrus fruits and tomatoes.

* * * * *

I think it opens important avenues for the producer and grower that is not now in existence; a new market for him, and there is no need for him growing his product unless he has a market for it. * * *

* * * * *

* * * I informed my growers of the fact that this bill had been introduced and that basket was being requested. The president and director of the organization of growers, South Carolina Peach Growers Association, wrote me that they were highly in favor of it and they would like to see it produced.

Mr. Dan Farrell, sales manager, Taylor Chemical Co. ²

During the last 2 or 3 years we have had quite a depressed market on peaches. For some reason, I cannot tell you, but the economy of the peach grower has gone down quite sharply during the last year or two.

We figure the only way to step the economy of the peachgrower up is to offer a wider spread, a wider distribution of their product so that they can sell them at their cost of production plus a reasonable profit.

The only way to increase the sale and distribution of peaches is to give the consumer, the housewife, what she wants.

We have found that the housewife, the restaurant buyer, or any other consumer of fresh fruits and vegetables buy what they want. If they see a product, a fruit, or a vegetable they want, they do not argue too much about the price, but we have got to make it attractive and to build the demand for the product. To do that we have got to offer peaches in a first-class condition that can be accepted as good fruit, with high quality, no decay; with a luscious flavor; a good aroma; and to do that, we have to let the peaches mature on the tree, to pack and cool them quicker and better at that time, at the orchard, and get them to the far-off terminals.

Most of our peaches from North and South Carolina are consumed here in the East, in the New York and New Jersey area, which is some four or five hundred miles from the orchards.

To do that we have got to have smaller packages, get the peaches to the consumer in a better condition.

After Mr. Moses Richter gave me the idea that this was the package he wanted for his orchard—and he also owns a distribution firm that distributes fresh fruits and vegetables all over the whole Southeast—I talked to perhaps 50 of the larger growers in North Carolina, South Carolina, Virginia, and Georgia, and found that they are very enthusiastic about the package, not that they are sure that this is the ideal package, but it is the best thing we know today to give the housewife, the consumer, peaches that they want.

Mr. T. C. Curry, Chief, Regulatory Branch, Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture ²

* * * the present-day trend is to the smaller packages and consumer packaging, so that I would say that to legalize this three-eighths bushel basket * * * would be a step in connection with our strides of progress that we are making today.

* * * * *

I would say that in connection with this, the marketing trend today, in trying to get to the housewife the best possible product and looking at it from the standpoint of peaches, that the three-eighths bushel basket has possibilities for the peach.

* * * * *

Now, as far as apples are concerned, unless it is to be shipped for consumer packages, I can see no decided advantage in having the three-eighths bushel

basket, but for highly perishable commodities such as peaches, plums, apricots, and so forth, it has possibilities, I would say.

REPORTS FROM EXECUTIVE DEPARTMENTS

The reports of the Department of Agriculture and the Secretary of Commerce on this bill are shown below.

DEPARTMENT OF AGRICULTURE,
Washington 25, D. C., March 24, 1954.

HON. CHARLES A. WOLVERTON,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. WOLVERTON: This is in reply to your telephone request of March 23 for an immediate report on H. R. 8357, a bill to amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables.

The purpose of the bill is to provide in addition to the standard sizes now provided in section 1 of the act, a $\frac{3}{8}$ -bushel size of both hamper and round stave basket for fruits and vegetables. We understand that the proponents of the measure state that this type and size of container is needed in the marketing and distribution of fresh fruits and vegetables, particularly as a "gift package" for shipment by parcel post.

We have no information on the merits of the proposed container as a marketing necessity, except to observe that the proposed size, $\frac{3}{8}$ bushel or 12 quarts, is among the sizes of containers commonly used in the marketing and distribution of fruits and vegetables. Among the latter is the 12-quart Climax basket provided in the Standard Container Act of 1916, and the 12-quart splint basket provided in section 2 of the Standard Container Act of 1928.

Since the proposal would introduce no new concept so far as size is concerned, the only other question would appear to be whether a $\frac{3}{8}$ -bushel hamper or round stave basket would conform to that part of section 4 of the act which provides in effect that hampers, round stave baskets and splint baskets for fruits and vegetables shall be not only of proper cubical capacity but not deceptive in appearance.

Samples of round stave baskets which have been submitted to and examined by the Department were found to be of proper cubical capacity within the tolerances prescribed for $\frac{3}{8}$ -bushel containers and were not found to be deceptive in appearance. Consequently, the specifications for such a container would be approvable under the provisions of the act.

Addition of this container to the standard containers would not require the expenditure of additional funds for administration of the act.

The Department has no objection to the passage of this bill.

Due to your request for an immediate report on this bill, we have not obtained advice from the Bureau of the Budget concerning the relationship of this bill to the program of the President.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

THE SECRETARY OF COMMERCE,
Washington 25, March 25, 1954.

HON. CHARLES A. WOLVERTON,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This letter is in reply to your request of March 15, 1954, for the views of this Department with respect to H. R. 8357, a bill to amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths basket for fruits and vegetables.

You are advised that the Department of Commerce would interpose no objection to the enactment of this bill. The listing of standard hampers and round stave baskets for fruits and vegetables now included in the act of May 21, 1928 (45 Stat. 685) includes, among others, units of one-eighth, one-fourth, one-half, and five-eighths bushel. There appears to us no overriding objection to the inclusion of the proposed $\frac{3}{8}$ -bushel unit.

Due to the urgency of your request, we have not obtained the views of the Bureau of the Budget with respect to the relationship of this bill or our report thereon to the program of the President.

If we can be of further assistance in this matter, please call on us.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION I OF THE STANDARD CONTAINER ACT OF MAY 21, 1928

That the standard hampers and round stave baskets for fruits and vegetables shall be of the following capacities: One-eighth bushel, one-fourth bushel, *three-eighths bushel*, one-half bushel, *five-eighths bushel*, *three-fourths bushel*, one bushel, one-and-one-fourth bushels, one-and-one-half bushels, and two bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this Act a bushel, standard dry measure, has a capacity of two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

(a) The standard one-eighth-bushel hamper or round stave basket shall contain two hundred and sixty-eight and eight-tenths cubic inches.

(b) The standard one-fourth-bushel hamper or round stave basket shall contain five hundred and thirty-seven and six-tenths cubic inches.

(bb) *The standard three-eighths bushel hamper or round stave basket shall contain eight hundred and six and four-tenths cubic inches.*

(c) The standard one-half-bushel hamper or round stave basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches.

(cc) The standard five-eighths-bushel hamper or round stave basket shall contain one thousand three hundred and forty-four cubic inches.

(d) The standard three-fourths-bushel hamper or round stave basket shall contain one thousand six hundred and twelve and eight-tenths cubic inches.

(e) The standard one-bushel hamper or round stave basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

(f) The standard one-and-one-fourth-bushel hamper or round stave basket shall contain two thousand six hundred and eighty-eight cubic inches.

(g) The standard one-and-one-half-bushel hamper or round stave basket shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches.

(h) The standard two-bushel hamper or round stave basket shall contain four thousand three hundred and eighty-four one-hundredths cubic inches.

MINORITY VIEWS

It is our view that the reported bill, H. R. 8357, which proposes an amendment to the Standard Container Act of May 21, 1928, to provide for a $\frac{3}{8}$ -bushel basket, should not be passed.

We believe that when the Congress is asked to amend, with the greatest possible speed, a basic law governing weights and measures, a clear and positive statement of the need for such an amendment should be made. This law was enacted to bring order out of the chaos and confusion that existed in the marketing of fresh fruits and vegetables prior to 1928, and was designed to protect the consumer against deceptive and fraudulent trade practices. This law has functioned well for 26 years without amendment or even the suggestion of an amendment.

We submit that no satisfactory showing of the need for amending this law, as provided for in the reported bill, has been presented to the Committee on Interstate and Foreign Commerce. Furthermore, we believe that the passage of this bill, providing for the inclusion of a $\frac{3}{8}$ -bushel hamper and round stave basket in the Standard Container Act of 1928, would establish a precedent which could lead to additional requests for the standardization of other sizes not now provided for in the law. Any such proposals would be most undesirable unless a real need for a change in the law could be conclusively established. We are, therefore, opposed to the enactment of this bill.

H. R. 8357 was first introduced in the House on March 11, 1954, by the gentleman from North Carolina (Mr. Barden). An explanation of the bill by Mr. Barden was given on March 22, 1954, on which day certain Members of Congress who had bills pending before the committee were invited to explain their bills to the committee. After only a few moments of explanation by the author of this bill, our colleague from North Carolina (Mr. Barden), and apparently in response to his plea that: "It is very, very important that this (bill) is passed as quickly as possible to take care of this year's crop of peaches," it was moved and seconded in the committee that the bill be reported forthwith. The gentleman from North Carolina was, however, permitted to complete his statement and was also permitted to present to the committee, contrary to its customary rules of procedure relating to hearings on so-called sponsors' day, a Mr. Raymond G. Ramsey, a representative of the American Package Corp., which engineered the proposed $\frac{3}{8}$ -bushel round stave basket and which is primarily and directly interested in this bill, and to present an unofficial representative from the Department of Agriculture, who assisted in the explanation.

The committee was advised that it was necessary to legalize the $\frac{3}{8}$ -bushel round stave basket because the revised parcel-post regulations which became effective on January 1, 1952 (act of October 24, 1951, Public Law 199, 82d Cong.), placed a weight limitation on fourth-class parcels of 20 pounds. The committee was further advised that

the proposed $\frac{3}{8}$ -bushel basket, when filled with peaches or other fruit, would not exceed this 20-pound limitation.

At the conclusion of the hearing on March 22, 1954, the committee considered this bill in executive session and ordered the bill favorably reported. This action was taken without any prior notice or invitation to the public to express its views on this legislation and without having the benefit of the views of the executive departments concerned. Our colleague from Illinois (Mr. Mack) at first objected to the reporting of this bill, but withdrew his objection. On the following day our colleague from Illinois (Mr. Mack) advised the committee that he had checked the parcel-post regulations relating to the shipment of fruits and vegetables and had discovered that so far as such shipments were concerned, the weight limitation was 70 pounds and that the size limitation was 100 inches in length and girth combined. As a consequence of this disclosure, the committee reconsidered its action of the previous day and ordered further public hearings on the bill.

A further hearing on this bill was held on April 9, 1954. Testimony presented at this hearing established the fact that the act of October 24, 1951 (Public Law 199, 82d Cong.), while reducing the then-existing size and weight limitations on fourth-class parcels, contained a specific provision with respect to agricultural commodities. Under this provision parcels containing agricultural commodities, other than manufactured products thereof, are mailable at any post office if they do not exceed 100 inches in length and girth combined, and 70 pounds in weight. These are the size and weight limitations which were applicable generally to all mailings of fourth-class matter prior to the enactment of Public Law 199, 82d Congress.

Moreover, it was established that none of the baskets and hampers provided by the Standard Container Act of 1928, including the maximum 2-bushel basket and hamper, have a combined length and girth in excess of 100 inches. Consequently, all sizes are eligible for shipment by parcel post, so far as the size limitation is concerned. While the weight of a given volume of fresh fruits and vegetables is likely to vary, depending on the kind, size, and condition of the product, it was considered unlikely that the packed weight of a bushel of apples or peaches would exceed 55 or 60 pounds. Containers larger than the 1-bushel size are not commercially used to any appreciable extent. While no accurate statistics were presented, the definite impression was given that parcel post is not the predominant means of transportation used for the shipment of fruits and vegetables.

Mr. Barden, at the outset of this hearing, admitted apologetically that he was incorrect in stating that the proposed $\frac{3}{8}$ -bushel round stave basket was the largest container of peaches or other fresh fruit or vegetables that could be shipped by parcel post. He made this incorrect statement, he said, only after Mr. Ramsey, research engineer for the American Package Corp., had advised him that the weight limit on parcel post was 20 pounds. Mr. Barden also stated that he had made an independent inquiry at the Post Office Department and had been advised that 20 pounds was the weight limit for parcel post.

The proponents of the $\frac{3}{8}$ -bushel basket then attempted to justify this basket on the grounds that it would be most suitable as a gift package and that it would contain just enough quantity of peaches to accommodate the consumption needs of the average-sized family without incurring a loss due to spoilage.

Repeated questioning during the hearing failed to disclose to our satisfaction the advantages which the proposed $\frac{3}{8}$ -bushel basket would have over the $\frac{1}{4}$ -bushel or the $\frac{1}{2}$ -bushel round stave baskets and hampers already provided for in the law. The difference in capacity between the proposed $\frac{3}{8}$ -bushel basket and the one-quarter or the one-half bushel, in terms of peaches, involves only a difference of approximately 6 pounds of peaches; the one-quarter bushel would contain approximately 12 pounds, the proposed three-eighths bushel would contain approximately 18 pounds, and the one-half bushel would contain approximately 24 pounds. The spoilage factor that was stressed in connection with the use of the $\frac{1}{2}$ -bushel container as compared to the proposed $\frac{3}{8}$ -bushel size would, therefore, seem to be rather exaggerated; and, of course, nonexistent so far as the $\frac{1}{4}$ -bushel container is concerned.

Peaches now move predominantly in the half-bushel size and the bushel size. Gift packages of the $\frac{1}{4}$ - or $\frac{1}{2}$ -bushel size would appear to be equally as attractive as the proposed $\frac{3}{8}$ -bushel size. In fact, by encouraging and promoting the half-bushel size for use as gift packages, the growers of peaches could probably sell a larger quantity of peaches than they would otherwise sell with the use of a slightly smaller sized container.

The committee was advised that the machinery and plants to manufacture this $\frac{3}{8}$ -bushel round stave basket are already set up and ready to go into production the moment the bill becomes law and that " * * * it is awfully important to the industry and tremendously important to the people who are to manufacture these baskets that they have the time to put them on the market so they can be used." ³

What did the testimony disclose with respect to the actual or potential demand for this sized basket? The United States Department of Agriculture, which is vitally concerned with the production and marketing of all agricultural commodities, and which is charged with the administration of the Standard Container Act of 1928, advised the committee that while the Department has no objection to the addition of the $\frac{3}{8}$ -bushel basket to the other standard sizes now permitted under this act, the Department has no information concerning the merits or the marketing necessity for this sized basket.⁴ The United Fresh Fruit & Vegetable Association did not testify on this bill, although a representative attended the hearing on April 9, 1954, nor did it submit any statement, apparently because its membership did not indicate any interest in this legislation. Mr. Raymond G. Ramsey, of the American Package Corp., who stated that he had designed the $\frac{3}{8}$ -bushel container after peachgrowers in North Carolina had expressed interest in such a container, stated, in response to questions by our colleague from Illinois (Mr. Mack) that there was no general demand for this container, that only a few farmers in North and South Carolina had suggested this container, and that

³ Statement by Mr. Barden during hearing on H. R. 8357, March 22, 1954.

⁴ Statement of Mr. T. C. Curry, Chief, Regulatory Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, appearing in his prepared statement on H. R. 8357, April 9, 1954.

it would be impossible to predict the actual demand until the basket is made available to the trade.⁵

Mr. T. C. Curry, Chief of the Regulatory Branch, Fruit and Vegetable Division, United States Department of Agriculture, stated that there had been no request made to the Department of Agriculture for the standardization of a $\frac{3}{8}$ -bushel basket, other than an inquiry made by a representative of the American Package Corp.,⁶ that no fruit and vegetable producers had made any request to the Department for this sized basket, that it was anybody's guess whether this proposed basket would be a commercial success but it had possibilities, and that the Department of Agriculture was not favoring H. R. 8357, but was merely expressing no opposition to the bill. Personally, Mr. Curry said, he could see no particular occasion for any further amendments to the Standard Container Act of 1928 at the present time. The Department of Agriculture, he added, was in favor of keeping the types and sizes of containers—all containers—to a minimum.

In view of the foregoing testimony, the question that the Congress is faced with is this: Should the Congress amend the Standard Container Act of 1928 whenever an individual manufacturer of baskets decides that he would like to experiment with the commercial possibilities of a new sized basket, hoping that it would become popular? If we pass this bill, and a $\frac{3}{8}$ -bushel hamper and round stave basket are legalized, what is there to prevent another basket manufacturer from appealing to the Congress for the inclusion in the law of the $\frac{7}{8}$ -bushel size, or any other in-between sizes not now provided for in the law, on the grounds that he believes that the proposed size has commercial possibilities? The precedent will already have been established.

Lest this question appear to be rather academic, we should recall the long and turbulent battle that took place in the Congress years ago when standard container legislation was being considered. Legislation to provide for standard sizes of hampers, round stave baskets, and splint baskets for fruits and vegetables was first introduced in 1920, and this legislation was before the Congress in every session thereafter until final passage in 1928. So far as can be determined, there never was a request for the inclusion of the $\frac{3}{8}$ -bushel hamper or round stave basket in the law. However, the $\frac{7}{8}$ -bushel hamper was very popular in the Gulf States. Interests in these States insisted that this sized basket be included in the law. And it was the pressure for the inclusion of this sized basket, as well as the insistence of interests along the

⁵ Mr. Ramsey's response to questions with respect to the demand for this container is as follows:

"Mr. MACK. Would you say that the special demand for this sized basket has been created all over the country?"

"Mr. RAMSEY. No, sir; I would not. Just a few of the farmers in North and South Carolina came to me with this idea and we have gotten to what we can make into a package and it happens to be a $\frac{3}{8}$ -bushel container.

"Mr. RAMSEY. Well, to be frank, there is no demand until you put it on the market anyway. I mean, so far as the consumer trade is concerned. You can make it, and it will go over with one big shipment, maybe, and then it is thrown down. I do not know; nobody else knows."

⁶ The colloquy that took place on this matter is as follows:

"Mr. MACK. And so far as you know, has there been any request to the Department of Agriculture for this sized basket?"

"Mr. CURRY. There has been no request, Mr. Mack. The only time it came to our attention was when they (representatives of the American Package Corp.) first came in with this $\frac{3}{8}$ -bushel basket and asked us how it could be manufactured legally, and our answer to them was that it would take an act of Congress to legalize the basket. That, to my knowledge was the first time.

"Mr. MACK. But as far as you know, there has been no fruit or vegetable producers requesting a $\frac{3}{8}$ -size basket?"

"Mr. CURRY. Not to the Department of Agriculture."

Eastern Shore for the inclusion of the $\frac{5}{8}$ -bushel hamper, that delayed the passage of container legislation for nearly 8 years. The Congress agreed to the inclusion of the $\frac{5}{8}$ -bushel size, but excluded the $\frac{7}{8}$ -bushel size. It is not at all hypothetical, therefore, to assert that if H. R. 8357 is passed, the Congress may be faced with another bill to standardize the $\frac{7}{8}$ -bushel size, and perhaps other sizes. And the inclusion of more sizes in the Standard Container Act would undermine the very purpose of this law which is the elimination of unnecessary sizes of baskets.

It should also be noted that H. R. 8357 proposes to legalize two $\frac{3}{8}$ -bushel size containers—not one. The bill provides for a $\frac{3}{8}$ -bushel hamper and a $\frac{3}{8}$ -bushel round stave basket. The proponents of this legislation were, however, interested only in the $\frac{3}{8}$ -bushel round stave basket; they did not even mention the hamper. In fact, they appeared to be unaware that the $\frac{3}{8}$ -bushel hamper was also involved in this bill.⁷ No testimony at all was presented in favor of the hamper. Certainly, the committee had no basis whatever, not even a single request from anyone, for amending the Standard Container Act with respect to the inclusion of a $\frac{3}{8}$ -bushel hamper.

No justification has been made, to our satisfaction, for the inclusion of the $\frac{3}{8}$ -bushel size hamper or round stave basket in the Standard Container Act of 1928. We, therefore, oppose H. R. 8357, and recommend that it not be passed.

At a later point in his testimony, Mr. Curry agreed that H. R. 8357 provides for a $\frac{3}{8}$ -bushel hamper, as well as a $\frac{3}{8}$ -bushel round stave basket.

We are convinced that the logical solution to this problem would be for the Congress to delegate authority to the Secretary of Agriculture to prescribe standards for any additional sizes of hampers, round stave baskets and splint baskets that are not now provided for in the Standard Container Act of May 21, 1928. To carry out this objective, our colleague from Illinois (Mr. Mack) has introduced a bill, H. R. 8770.

Under Mr. Mack's proposal, the Secretary of Agriculture could investigate the needs of the fresh fruit and vegetable growers and shippers for a particular sized hamper or basket and whenever, in his judgment, such action is advisable in the interest of commerce and for the convenience and protection of consumers, the Secretary could, by regulation, provide for such additional sizes.

The Secretary already has the authority to prescribe tolerances or variations in the standard capacities, incidental to the manufacturing process, of the containers already prescribed by law. Why not, then, also give him authority to prescribe additional sizes as well?

Enactment of H. R. 8770 would no longer make it necessary for the Congress to take time out to consider unimportant proposals such as prescribing the relative sizes of baskets to be included in the

⁷ Obviously, Mr. Barden was surprised at this disclosure, as the following excerpt from his testimony of April 9, 1954, will show:

"Mr. MACK. * * * This bill, Mr. Barden says, is very simple. I am sure that Mr. Barden realizes as well as the rest of us, that this is not just one amendment to the basic law. It amends 2 containers under the Standard Container Act, not just 1, but 2 of them, and I think it is very important that we give due consideration to this legislation.

"Mr. BARDEN. You mean that it changes something besides permission for this basket [pointing to a sample of the $\frac{3}{8}$ -bushel round stave basket that was brought into the committee room for exhibition]?"

"Mr. MACK. Yes, sir.

"Mr. BARDEN. Will you wait just a minute? Is that what you did, Chief?

"Mr. CURRY. Not to my knowledge.

"Mr. MACK. As I read the law it also amends the size for the hamper, as well as the stave basket.

"Mr. BARDEN. Here is the head of the Department. He is the man who ought to know. He says that all we have done is this. * * *

Standard Container Act. The Secretary of Agriculture can and should perform this function. He has been administering the provisions of the Standard Container Act of 1928 since its enactment and is intimately familiar with all of its ramifications. Under the provisions of H. R. 8770 the Secretary would have authority to deal with the sizes of containers on a broad and comprehensive basis.

We urge the Congress to pass H. R. 8770 the text of which is shown below.

ROBERT CROSSER.
ARTHUR G. KLEIN.
WILLIAM T. GRANAHAN.
PETER F. MACK, Jr.
LOUIS B. HELLER.

APPENDIX

[H. R. 8770, 83d Cong., 2d sess.]

A BILL To amend the United States Standard Container Act of May 21, 1928, so as to authorize the Secretary of Agriculture to prescribe standards for additional sizes of hampers, round stave baskets, and splint baskets for fruits and vegetables

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 3, 4, 5, 6, 7, 8, 9, and 10 of the United States Standard Container Act of May 21, 1928 (15 U. S. C., secs. 257b to 257i inclusive) are hereby redesignated as sections 4, 5, 6, 7, 8, 9, 10, and 11, respectively, and the last section of such Act is hereby repealed.

(b) Such Act is hereby further amended by inserting after section 2 thereof a new section as follows:

"SEC. 3. Whenever in his judgment such action is advisable in the interest of commerce and for the convenience and protection of consumers, the Secretary of Agriculture may by regulations—

"(1) provide for standard hampers and round stave baskets for fruits and vegetables in addition to those specified in section 1 of this Act, and fix the capacities thereof in cubic inches, and

"(2) provide for standard splint baskets for fruits and vegetables in addition to those specified in section 2, and fix the capacities thereof in cubic inches."

SEC. 2. Such Act of May 21, 1928, is hereby further amended as follows:

(1) The first sentence of the first section of such Act is amended by striking out "That the standard hampers and round stave baskets" and inserting in lieu thereof "That, except as provided in section 3, the standard hampers and round stave baskets".

(2) The first sentence of section 2 of such Act is amended by striking out "That the standard splint baskets" and inserting in lieu thereof "That, except as provided in section 3, the standard splint baskets".

(3) The first sentence of the section of such Act which, by this Act, is redesignated as section 4, is amended by inserting after "sections 1 and 2 of this Act" the following: ", or prescribed under section 3 of this Act,".

(4) The section of such Act which, by this Act, is redesignated as section 5, is hereby amended by inserting after "sections 1 and 2" the following: ", or the regulations prescribed under section 3,".

(5) The section of such Act which, by this Act, is redesignated as section 6, is amended—

(A) by inserting after the words "this Act" where they appear immediately before the first proviso, the following: "or the regulations prescribed under section 3 of this Act"; and

(B) by striking out the period at the end of the first sentence of such section and inserting in lieu thereof the following: "or the regulations prescribed under section 3 of this Act.".

(6) The first sentence of the section of such Act which, by this Act, is redesignated as section 7, is amended by inserting after "this Act," the following: "or regulations prescribed under section 3 of this Act,".

(7) The third sentence of the section of such Act which is so redesignated as section 7 is amended by inserting after "this Act," the following: "or to regulations prescribed under section 3 of this Act,".

House Calendar No. 180

83^D CONGRESS
2^D SESSION

H. R. 8357

[Report No. 1550]

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1954

Mr. BARDEN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

APRIL 30, 1954

Reported with an amendment, referred to the House Calendar, and ordered to be printed

[Amend the title]

A BILL

To amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths basket for fruits and vegetables.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled.*

3 That section 1 of the Act entitled "An Act to fix standards
4 for hampers, round-stave baskets, and splint-baskets for fruits
5 and vegetables, and for other purposes", approved May 21,
6 1928, is amended by (1) inserting after "one-fourth bushel"
7 and before "one-half bushel", the words "three-eighths
8 bushel", and (2) by inserting after subparagraph (b) an
9 additional subparagraph (bb) reading as follows:

10 “(bb) The standard three-eighths bushel hamper or

1 round-stave basket shall contain eight hundred and six and
2 four-tenths cubic inches."

3 SEC. 2. This Act shall take effect immediately after the
4 date of its enactment.

Amend the title so as to read: "A bill to amend the
Standard Container Act of May 21, 1928 (45 Stat. 685;
15 U. S. C. 257-257i), to provide for a three-eighths bushel
basket for fruits and vegetables."

[Report No. 1550]

A BILL

To amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths basket for fruits and vegetables.

By Mr. BARDEN

MARCH 11, 1954

Referred to the Committee on Interstate and Foreign
Commerce

APRIL 30, 1954

Reported with an amendment, referred to the House
Calendar, and ordered to be printed

CONSIDERATION OF H. R. 8357

MAY 10, 1954.—Referred to the House Calendar and ordered to be printed.

Mr. ALLEN of Illinois, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 528]

The Committee on Rules, having had under consideration House Resolution 528, reports the same to the House with the recommendation that the resolution do pass.



House Calendar No. 184

83^D CONGRESS
2^D SESSION

H. RES. 528

[Report No. 1568]

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1954

Mr. ALLEN of Illinois, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the
4 Union for the consideration of the bill (H. R. 8357) to
5 amend the Standard Container Act of May 21, 1928 (45
6 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-
7 eighths basket for fruits and vegetables. After general de-
8 bate, which shall be confined to the bill, and shall continue
9 not to exceed one hour, to be equally divided and controlled
10 by the chairman and ranking minority member of the Com-
11 mittee on Interstate and Foreign Commerce, the bill shall
12 be read for amendment under the five-minute rule. At the

1 conclusion of the consideration of the bill for amendment,
2 the Committee shall rise and report the bill to the House
3 with such amendments as may have been adopted, and the
4 previous question shall be considered as ordered on the bill
5 and amendments thereto to final passage without intervening
6 motion except one motion to recommit.

House Calendar No. 184

83^d CONGRESS
2^d Session

H. RES. 528

[Report No. 1568]

RESOLUTION

Providing for the consideration of H. R. 8357,
a bill to amend the Standard Container Act
of May 21, 1928 (45 Stat. 685; 15 U. S. C.
257-257i), to provide for a three-eighths
basket for fruits and vegetables.

By Mr. ALLEN of Illinois

MAY 10, 1954

Referred to the House Calendar and ordered to be
printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 12, 1954
For actions of May 11, 1954
83rd-2nd, No. 36

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HIGHLIGHTS: House passed bill to amend Standard Container Act. House committee voted to report emergency farm loans bill. Senate committee reported O&C-land jurisdiction bill. Senate debated bill to speed up ICC rate decisions.

HOUSE

1. CONTAINERS. Passed as reported H. R. 8357, to amend the Standard Container Act so as to authorize a 3/8 bushel basket for fruits and vegetables (pp. 6052-60).
2. FARM LOANS. The Agriculture Committee voted to report (but did not actually report) S. 3245, to eliminate the requirement that economic disaster loans be restricted to areas designated by the President and to make \$15,000,000 available for economic emergency loans. The committee agreed to several amendments to the bill, one of which would enable such loans to be made until June 30, 1955. (pp. D510-11.)
3. COPPER IMPORTS. Passed as reported H. R. 7709, to extend the date of suspension of certain import taxes on copper to June 30, 1956 (pp. 6024-5).

SENATE

4. FORESTRY. The Interior and Insular Affairs Committee reported with amendments S. 2225, relating to jurisdiction over certain O&C grant lands in Oregon (S. Rept. 1314)(p. 5977).
5. SOIL CONSERVATION. The Interior and Insular Affairs Committee reported without amendment H. R. 7057, to authorize the Secretaries of Agriculture and Interior to transfer, exchange, and dispose of land in the Eden project, Wyo. (S. Rept. 1317)(p. 5977).
6. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 118, to authorize the initial phase of the Washita Basin project (S. Rept. 1315), and H. R. 5731, to authorize Santa Margarita facilities, Calif. (S. Rept. 1322)(p. 5977).

7. TRANSPORTATION. Began debate on S. 1461, to expedite action by ICC upon applications of certain common carriers for rate increases (pp. 6014-19).
8. PERSONNEL; EXPENDITURES. The Joint Committee on Reduction of Nonessential Federal Expenditures submitted a report on employment in Feb. 1954 (pp. 5977-81).
9. FARM LOANS. Sen. Welker submitted an amendment which he intends to propose to S. 3245, the emergency farm loans bill (p. 5984).

BILLS INTRODUCED

10. ELECTRIFICATION. S. 3434, by Sen. Bricker, to provide that charges shall be paid by Federal power projects which are benefited by stream improvements constructed by other parties; to Interstate and Foreign Commerce Committee (p. 5982).
11. PERSONNEL. H. R. 9097, by Rep. Fulton, to provide a cost of living and increased productivity pay increase for employees under the Classification Act; to Post Office and Civil Service Committee (p. 6076).
H. R. 9102, by Rep. Lesinski, to repeal the Whitten personnel amendment; to Post Office and Civil Service Committee (p. 6076).
12. VEHICLES. H. R. 9101, by Rep. Pilcher, to authorize the purchase of liability insurance on Government vehicles; to Government Operations Committee (p. 6076).
13. FARM MACHINERY. H. R. 9100, by Rep. Martin, Iowa, to exempt farm equipment repair parts from the excise tax levied on automobile parts; to Ways and Means Committee (p. 6076).

COMMITTEE HEARINGS RELEASED BY GPO

14. FARM PROGRAM. S. 3052, to encourage a stable, prosperous, and free agriculture. Part II. S. Agriculture and Forestry Committee.
15. FOREIGN TRADE. East-West Trade. S. Foreign Relations Committee.
16. TRANSPORTATION. H. R. 3792, authorizing ICC to revoke, amend, or suspend water carrier certificates and permits. S. Interstate and Foreign Commerce Committee.

BILL APPROVED BY THE PRESIDENT

17. THIRD SUPPLEMENTAL APPROPRIATION ACT, 1954, H. R. 8481. Approved May 11, 1954 (Public Law 357, 83rd Cong.). This Act includes the following items: ACP payments for wind erosion control measures, \$15,000,000; increase of \$2,900,000 in administrative-expense limitation for CCC; Disaster Loan Revolving Fund, \$10,000,000 additional; fighting forest fires, \$4,500,000 additional; and FCA, \$120,000 additional.

SENATE (Continued)

18. TREASURY-POST OFFICE APPROPRIATION BILL, 1955. In reporting this bill, H. R. 7893 (see Digest 85), the committee included the following statements in its report:

Work for other agencies: "The committee agreed unanimously with the language contained on page 15 of the House report and especially emphasizes the following portion: 'It is felt that the agency having the responsibility for an

der inquiry, is a violation of the subpoena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a privileged resolution (H. Res. 540) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Barrows Dunham to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that the said Barrows Dunham may be proceeded against in the manner and form provided by law.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PROCEEDINGS AGAINST FRANCIS X. T. CROWLEY

Mr. VELDE. Mr. Speaker, by direction of the Committee on Un-American Activities, I present a privileged report (H. Rept. No. 1536).

The Clerk read the report, as follows:

The Committee on Un-American Activities, as created and authorized by the House of Representatives, through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, caused to be issued a subpoena to Francis X. T. Crowley, 226 Second Avenue, Apartment 15, New York, N. Y. The said subpoena directed Francis X. T. Crowley to be and appear before said Committee on Un-American Activities on May 4, 1953, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpoena served upon said Francis X. T. Crowley is set forth in words and figures, as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to George C. Williams: You are hereby commanded to summon Francis X. Crowley to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Honorable HAROLD H. VELDE is chairman, in their chamber in the city of New York, room 110, Federal Building, on Monday, May 4, 1953, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 9th day of April, 1953.

"HAROLD H. VELDE,
"Chairman.

"Attest: "LYLE O. SNADER,
"Clerk."

The said subpoena was duly served as appears by the return made thereon by George C. Williams, investigator, who was duly authorized to serve the said subpoena. The return of the service by the said George C.

Williams, being endorsed thereon, is set forth in words and figures, as follows:

"Subpoena for Francis X. Crowley, before the Committee on Un-American Act. Served at home, 226 2d Avenue, Apt. 15, N. Y. C. on 4-24-53 at 6:32 p. m.

"GEORGE C. WILLIAMS,
"Investigator, House of Representatives."

On May 4, 1953, a telegram was sent to Francis X. Crowley by Harold H. Velde, chairman of the House Committee on Un-American Activities, which is set forth in words and figures, as follows:

"NEW YORK, N. Y., May 4, 1953.

"FRANCIS X. CROWLEY,
226 Second Ave., New York City:

"Your appearance before Committee on Un-American Activities is hereby postponed to Monday, June 8, 1953, 10:30 a. m., 226 House Office Building, Washington, D. C.

"HAROLD H. VELDE,
"Chairman."

The said Francis X. T. Crowley, pursuant to said subpoena and in compliance therewith, appeared before the said committee on June 8, 1953, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress. The said Francis X. T. Crowley, having appeared as a witness and having been asked questions, namely:

"When you were in Boston, Mass. * * *, were you a member of the West End Club of the Communist Party?

"Have you ever been associated with any members of the West End Club of Boston?

"Have you ever at any time been a member of the Communist Party?" which questions were pertinent to the subject under inquiry, refused to answer such questions; and as a result of Francis X. T. Crowley's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpoena served upon the said Francis X. T. Crowley.

The record of the proceedings before the committee on June 8, 1953, during which Francis X. T. Crowley refused to answer the aforesaid questions pertinent to the subject under inquiry is set forth in fact as follows:

"UNITED STATES HOUSE
OF REPRESENTATIVES,

"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Washington, D. C., Monday, June 8, 1953.

"EXECUTIVE SESSION

"The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:43 a. m., in room 226 of the Old House Office Building, Hon. BERNARD W. KEARNEY, presiding.

"Committee member present: Representative BERNARD W. KEARNEY (presiding).

* * * * *

"Mr. KEARNEY. The committee will be in order.

"Let the record show that, for the purpose of the hearing this morning, a subcommittee has been set up composed of Mr. KEARNEY from New York. The hearing will be conducted under the authority granted for subcommittee by the chairman of the committee, Mr. VELDE.

* * * * *

"Will you stand and be sworn?
"Do you solemnly swear the testimony you shall give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. CROWLEY. I do.

"TESTIMONY OF FRANCIS XAVIER THOMAS CROWLEY

"Mr. KUNZIG. Mr. Crowley, are you accompanied by counsel here this morning?

"Mr. CROWLEY. No; I am by myself.

"Mr. KUNZIG. You understand, of course, your right to be accompanied by counsel if you so desire?

"Mr. CROWLEY. I do.

"Mr. KUNZIG. And it is your wish to be here present at this hearing today without counsel?

"Mr. CROWLEY. Yes.

"Mr. KUNZIG. Would you give your full name, please?

"Mr. CROWLEY. Francis Xavier Thomas Crowley. The Thomas was a confirmation.

"Mr. KUNZIG. And your present address, Mr. Crowley?

"Mr. CROWLEY. 226 Second Avenue, New York.

"Mr. KUNZIG. And what is your age at the present time?

"Mr. CROWLEY. Twenty-seven.

* * * * *

"Mr. KUNZIG. Mr. Crowley, when you were in Boston, Mass., that period of time prior to going to the University of Michigan that you have just told us about, were you a member of the West End Club of the Communist Party?

"Mr. CROWLEY. Well, I can't answer that.

"Mr. KEARNEY. What do you mean—you can't answer it?

"Mr. CROWLEY. I won't answer it.

"Mr. KEARNEY. On what grounds?

"Mr. CROWLEY. It goes against my conscience to speak about it. I don't believe I should be in a position where I have to speak about anyone except my priest, and I have spoken to him about it.

"Mr. KEARNEY. In other words, do I take it to mean your conscience bothered you because you were a member of the party?

"Mr. CROWLEY. No; not in this instance.

"Mr. KEARNEY. Has your conscience ever bothered you because you were a member of the party?

"Mr. CROWLEY. My conscience bothers me that I might somehow harm or hurt someone else by telling you what I know, what you want to know.

"Mr. KEARNEY. How could it harm or hurt someone else by stating whether you were a member of the Communist Party?

"Mr. CROWLEY. Because if I answered that question, I imagine you will ask me, 'Well, who else was?' or things of that sort.

"Mr. KEARNEY. Well, if we did ask you that question, you could decline to answer it.

"Mr. CROWLEY. Well, I would be in the same position then about answering. I guess I would be in the same jeopardy.

"Mr. KUNZIG explained to me what I can do and what I can't do legally. I know—

"Mr. KEARNEY. Well, I am quite curious. What jeopardy would you be in if you stated to this committee that you had been a member of the Communist Party?

"Mr. CROWLEY. What jeopardy would I be in? None that I know of.

"Mr. KEARNEY. Then why can't you answer that question?

"Mr. CROWLEY. Because I believe it would be cowardice to answer any question about my past life to anyone that I didn't want to—and there's one thing I cannot do, is be a coward. I'd sooner—you know—take anything I have coming to me rather than have to live with something on my mind, something I felt was wrong that I did. It would be wrong for me to tell you anything about my past life or my acquaintances, my activities with other people.

"Mr. KEARNEY. When you say you refuse to answer as to whether you have ever been a member of the Communist Party or not, if you never had been a member of the Communist Party, would you so answer?

"Mr. CROWLEY. If I never had been—I don't know; probably not. Probably not.

"Mr. KEARNEY. I am quite curious to know your reasons as to why you would refuse to state why you had never been a member of the Communist Party.

"Mr. CROWLEY. Well, is not all reasoning, I guess. It is just a feeling I have, and I haven't reasoned it out. I can't give you a logical reason why.

"Mr. KUNZIG. Well, Mr. Chairman, the question, of course, whether the witness was a member of the West End Club of the Communist Party in Boston. I respectfully request he be directed to answer that question.

"Mr. KEARNEY. Well, I was coming to that, and I am going to direct the witness to answer that question unless he can show sufficient reasons as to why he shouldn't answer it.

"Mr. CROWLEY. I can't give you any reasonable reasons, any legal reasons, or otherwise.

"Mr. KEARNEY. Now, you were advised by counsel here that you had the right to counsel—

"Mr. CROWLEY. Yes, sir.

"Mr. KEARNEY (continuing). At this hearing, and you declined counsel to represent you. Now, you are being asked the question as to whether you are now or ever have been a member of the Communist Party.

"Mr. KUNZIG. The question—the specific question—I believe at this moment, sir, is whether the witness was a member of the West End Club of the Communist Party in Boston, Mass., when he was in Boston. That is the question at the moment.

"Mr. KEARNEY. And your answer to that is—

"Mr. CROWLEY. I won't answer it.

"Mr. KEARNEY (continuing). You won't answer it.

"As the chairman, I direct you to answer that question.

"Mr. CROWLEY. Well, I don't know what you mean.

"Mr. KEARNEY. What?

"Mr. CROWLEY. I don't know what you mean.

"Mr. KEARNEY. I direct you to answer the question that counsel just propounded to you.

"Mr. CROWLEY. No; I can't answer that.

"Mr. KEARNEY. You can't answer or you won't answer it?

"Mr. CROWLEY. I won't answer it.

"Mr. KEARNEY. You won't answer it?

"Mr. KUNZIG. May I state for the record, Mr. Chairman, prior to the hearing, I discussed this matter with the witness and he stated he had spoken to attorneys and had had the advice of counsel on this matter. I advised him, of course, of his right to come here today with counsel and have counsel present with him in the hearing to advise him as the course of the hearing progressed.

"Mr. CROWLEY. I explained why I didn't bring a lawyer with me. I said I didn't think it was a matter of my citing the fifth amendment or not. I'm not looking at it in a legal sense. I'm just going by my own feelings. That is the way it is. That is the way—

"Mr. KEARNEY. Now, Mr. Crowley, you are an educated man. You are a graduate of a university. You have the degree of—

"Mr. CROWLEY. Bachelor of arts.

"Mr. KEARNEY. Bachelor of arts. Have you ever been associated with any members of the West End Club of Boston?

"Mr. CROWLEY. That comes to the same thing. I won't answer that either.

"Mr. KEARNEY. You won't answer it?

"Mr. CROWLEY. No.

"Mr. KEARNEY. As I understand your testimony, you just refuse to answer any questions concerning your activities with communism?

"Mr. CROWLEY. Yes, sir.

"Mr. KEARNEY. Are you now a member of the Communist Party?

"Mr. CROWLEY. No.

"Mr. KEARNEY. Do you have any other questions?

"Mr. KUNZIG. I think we better follow it up by asking: Have you ever at any time been a member of the Communist Party?

"Mr. CROWLEY. I refuse to answer that."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Francis X. T. Crowley relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

"When you were in Boston, Mass. * * *, were you a member of the West End Club of the Communist Party?

"Have you ever been associated with any members of the West End Club of Boston?

"Have you ever at any time been a member of the Communist Party?" which questions were pertinent to the subject under inquiry, is a violation of the subpoena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

Mr. VELDE. Mr. Speaker, I offer a privileged resolution (H. Res. 541) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Francis X. T. Crowley to answer questions before the said Committee on Un-American Activities, together with all the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that the said Francis X. T. Crowley may be proceeded against in the manner and form provided by law.

The resolution was agreed to, and a motion to reconsider was laid on the table.

EXERCISES AT THE ILLUMINATION OF THE NEW PORTION AND DEDICATION OF THE ROTUNDA FRIEZE

Mr. LECOMPTE. Mr. Speaker, I ask unanimous consent that a copy of the exercises at the illumination of the new portion and the dedication of the rotunda frieze, held in the rotunda of the Capitol this morning, appear in the RECORD of the proceedings of the House of today immediately following the approval of the Journal.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

AMENDING THE STANDARD CONTAINER ACT OF MAY 21, 1928

Mr. ALLEN of Illinois. Mr. Speaker, I call up House Resolution 528 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8357) to amend the Standard Container Act

of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths basket for fruits and vegetables. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi [Mr. COLMER], and at this time I yield myself such time as I may require.

Mr. Speaker, I rise to urge the adoption of House Resolution 528, which will make in order the consideration of the bill, H. R. 8357, to amend the Standard Container Act of May 21, 1928, to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables.

House Resolution 528, Mr. Speaker, provides for an open rule with 1 hour of general debate.

H. R. 8357, as I understand it, Mr. Speaker, would provide for one additional sized basket, the $\frac{3}{8}$ -bushel capacity in the hamper or round stave style. The Standard Container Act, as presently constituted, provides for a 12-quart splint basket which is the equivalent of the $\frac{3}{8}$ -bushel capacity. Therefore this bill, Mr. Speaker, would provide for the making of a basket of a different shape from the splint basket, but the new basket would have a capacity identical to the 12-quart splint basket.

The main points which were brought out before the Rules Committee in favor of this bill were: First, that this new-sized basket would be an aid to the marketing of fruits and vegetables; secondly, that the fruits and vegetables would arrive in the markets all over the country in a better condition than has heretofore been the case; and finally, the Rules Committee was told that this proposed size basket would be very attractive as a gift package, and would contain an amount of fruit and vegetables that the average family could consume before the material started to decay.

Mr. Speaker, I am very much in favor of Congress passing bills that will help our American businessmen, whether they be manufacturers, or growers of our fruits and vegetables, to increase the marketability of their products. In this day and age when we, by necessity of the conditions throughout the world, must spend vast sums of money in order to bolster ourselves and our allies against the onslaughts of the Communist world, it is refreshing and personally very gratifying to have, as it were, "a home-grown bill" before us.

If the authorizing of a more convenient size basket will help our vegetable and fruit growers to dispose more successfully of their products, then I am for the objectives set forth in this bill. I hope that the House membership will

see fit to adopt the rule, which will make it possible for us to consider H. R. 8357.

Mr. COLMER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, as the gentleman from Illinois [Mr. ALLEN] has said, this resolution would make in order the Barden bill setting up or legalizing a new standard container, the $\frac{3}{8}$ -bushel container. This, of course, comes under the general authority of the Constitution giving Congress the right to set up standards of weights and measures.

There was made before the Rules Committee an overwhelming argument for this measure which certain parts of the commercial world have demanded. It was in response to that demand that the distinguished gentleman from North Carolina [Mr. BARDEN] has sponsored this legislation.

I should like to compliment my colleagues on the right, in the majority, for permitting this measure to be brought out under the name of this distinguished minority member [Mr. BARDEN]. This is, of course, a little out of the ordinary and is quite a tribute to our colleague from North Carolina who enjoys such splendid prestige and standing in this House. I am sure the bill will pass without much difficulty.

Mr. Speaker, I have no further requests for time.

Mr. ALLEN of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to, and a motion to reconsider was laid on the table.

Mr. O'HARA of Minnesota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8357) to amend the Standard Container Act of May 21, 1928, to provide for a three-eighths-basket for fruits and vegetables.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota [Mr. O'HARA].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 8357, with Mr. SHEEHAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Minnesota [Mr. O'HARA] will be recognized for 30 minutes and the gentleman from Arkansas [Mr. HARRIS] will be recognized for 30 minutes.

Mr. O'HARA of Minnesota. Mr. Chairman, I wonder if the gentleman from Arkansas [Mr. HARRIS] intends to yield some time to the author of the bill the gentleman from North Carolina [Mr. BARDEN].

Mr. HARRIS. If the gentleman will yield to me, it will be my intention to yield time both to the author of the bill, the gentleman from North Carolina [Mr. BARDEN], and also to another member of the committee.

Mr. O'HARA of Minnesota. In view of the fact that the bill has been explained under the rule, I should like the gentleman to use his time. I have no requests for time on this side. I might say to the gentleman that I believe on our side there was general agreement on the bill. There may have been one or two who did not support the bill, but the majority on our side did.

Mr. HARRIS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill, which would amend the Standard Container Act of 1928, would provide for a three-eighths of a bushel basket for fruits and vegetables.

It has already been mentioned that this is a simple problem brought to the Congress. That is true, but it is a highly important problem. I agree with the distinguished gentleman from Illinois [Mr. ALLEN] when he said that it probably would be well to bring a problem of this nature before the House today.

Frankly, I did not know until this matter was brought to our attention in the committee that it was necessary for the Congress of the United States to provide this legislation for size of such containers.

Mr. DOLLIVER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to my distinguished colleague on the committee.

Mr. DOLLIVER. I am sure the gentleman has overlooked the fact that the Constitution provides that weights and measures are under the control of the Congress.

Mr. HARRIS. Certainly I know that, but I have had the impression that many years ago the Congress, assuming its responsibility in connection with its constitutional prerogatives, had so taken care of such a simple matter, in which the industry of the country has such a great interest.

Mr. DOLLIVER. I confess that during the hearings I had the same impression the gentleman had, that this matter might well have been handled by administrative action, but it appears to be impossible to handle this that way. Therefore, this legislation has come before the House.

Mr. HARRIS. I am trying to explain to the Members of the House that this legislation is necessary if the fruit growers and vegetable growers of the country are to be permitted to sell their vegetables in interstate commerce in a $\frac{3}{8}$ -bushel basket.

As a youngster I worked during the harvest each year in the peach orchard and picked peaches, put them in boxes and in baskets. I have unloaded them from the wagons and have packed them and loaded them in cars. However, during all these years I did not know that I was doing it necessarily by specification of the size by an act of the Congress of the United States.

In 1928, the Congress passed a bill known as the Standard Containers Act. It provided for only 9 sizes of hampers or baskets, which ran from one-eighth of a bushel to 2 bushels in size. There are various sizes that were not included, and

one of those not included was a three-eighths-bushel basket. So when our distinguished colleague brought this to our attention a few days ago, I would say in all deference to the other members of the committee, including our distinguished colleague, the gentleman from Iowa, we had no idea it was necessary for the committee to take action in order to make this size basket legal in the country. But it does point up to us a responsibility, and that is the responsibility of considering matters of this kind which are so important to the welfare of the country. There is some opposition to the bill which has been presented, and that opposition will be presented, and explained, to the committee. A member of our committee, the gentleman from Illinois [Mr. MACK], expressed his feeling about it. We had hearings on the legislation. Following the hearings, the committee in executive session reported the bill. Consequently, other than objection which has been presented, the committee brings this legislation to you recommending its passage.

(Mr. HARRIS asked and was given permission to revise and extend his remarks.)

Mr. O'HARA of Minnesota. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my distinguished colleague, the gentleman from Arkansas, has together with the presentation under the rule presented to you the simple facts about this legislation. I recall the testimony which was given before the committee to the effect that this legislation with reference to the creation of a three-eighths-bushel-hamper size is of great importance, particularly to the fruit-growers of the South and Southeast, and is of particular interest to the small-fruit producers, more so, perhaps, than to any other type of producers. Certainly anything which will aid in the marketing of this highly seasonable fruit or anything which will aid the vegetable people in marketing their products and making it more available and salable is a matter which we should seriously consider in giving them the authority which they have requested. When this matter was first presented in our committee, I must confess I had no knowledge that it was necessary to have legislation in order to authorize the three-eighths-bushel basket or hamper size, as is provided by this legislation. Frankly, I know our committee was overwhelmingly in favor of the legislation and we are in complete sympathy with the author of the bill, the gentleman from North Carolina [Mr. BARDEN] in his desire to afford this assistance to the producers who need it as quickly as possible.

Mr. Chairman, I yield back the balance of my time.

(Mr. O'HARA of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. ROGERS], a member of the committee.

Mr. ROGERS of Florida. Mr. Chairman, as stated both by the gentleman from Arkansas [Mr. HARRIS], and the

gentleman from Minnesota [Mr. O'HARA], this is a very simple measure. When the Standard Container Act was passed, for some reason they left out the container of three-eighths of a bushel. They had one-quarter, they had one-half, they had five-eighths, but for some reason they left this out.

The testimony before our committee showed that there was a need for this particular size basket in shipping Christmas gifts. In the committee there was no organization appearing against it. Everyone who appeared before the committee as witnesses testified as to the merits of this proposal. Not only that, but the Department of Agriculture endorsed the provisions of the bill. Not only that, the Department of Commerce endorsed the provisions of the bill. Certainly, it can bring no harm to anyone, and at the same time it brings good to many shippers of fruits and vegetables, especially the little shippers, as the testimony will show if you will read the report.

Another very meritorious fact in connection with this is that there will be no additional expense. When we come before the Congress asking for the passage of the bill, ordinarily there is some added expense, but in this bill there is no added expense. Mr. True D. Morse, who is Acting Secretary of Agriculture, makes this statement:

The addition of this container to the standard containers would not require the expenditure of additional funds for administration of the act.

Now, it is a little thing to come here and take up the time of this Congress, but as pointed out by the gentleman from Iowa [Mr. DOLLIVER], it is a matter that is up to the Congress; and in order to get this relief, which will hurt no one and will help many, we must pass on it.

I sincerely hope that this Congress will adopt the bill.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. WOLVERTON], chairman of the committee.

Mr. WOLVERTON. Mr. Chairman, the Standard Container Act of May 21, 1928—Public Law No. 462, 70th Congress—which H. R. 8357 would amend, fixes the standard sizes of hampers, round stave baskets, and splint or market baskets for fruits and vegetables. With respect to hampers and round stave baskets, the law provides for 9 standard sizes of the following capacities: one-eighth bushel, one-fourth bushel, one-half bushel, five-eighths bushel, three-fourths bushel, 1 bushel, 1¼ bushels, 1½ bushels, and 2 bushels. With respect to the splint, or market baskets, the law provides for 6 standard sizes of the following capacities: 4 quarts, 8 quarts, 12 quarts, 16 quarts, 24 quarts, and 32 quarts, standard dry measure.

The dimension specifications for these hampers, round stave baskets and splint baskets for fruits and vegetables must be submitted to, and be approved by, the Secretary of Agriculture, who is charged with the administration of this law. The Secretary is directed to approve the

specifications for such baskets if he finds that they are not deceptive in appearance, and are of the capacities specified in the law. It is unlawful to manufacture, sell, offer for sale, or ship such baskets if they do not correspond to one of the standard capacities stated in the law.

PURPOSE OF AND NEED FOR LEGISLATION

The reported bill would merely provide for one additional sized basket, namely, the ⅜-bushel capacity, in the hamper or round stave style. The act already provides for a 12-quart splint basket, which is the equivalent of the ⅜-bushel capacity. The reported bill would, therefore, authorize a basket of somewhat different shape from the splint basket, but of a capacity identical with the 12-quart splint basket. The proposed ⅜-bushel hamper and round stave baskets could be put to use in the packaging and shipment of certain fruits and vegetables for which the already existing 12-quart or ⅜-bushel splint basket is not adaptable.

Testimony presented to the committee during the hearing on this bill established to the satisfaction of the committee the need for this ⅜-bushel round stave basket as an aid to the marketing of fruits and vegetables, particularly peaches. The market for fresh fruits has been depressed, from time to time, in recent years. The committee was advised that the proposed basket would stimulate the demand for, and additional consumption of, fresh fruits and vegetables, would broaden the market for growers, and would accomplish delivery of the fruits and vegetables in a better condition—with less bruising and injury to the contents. This size of basket, it was stated, would be very attractive as a gift package, and would contain just enough quantity of fruits and vegetables for the average family to consume before the onset of decay.

COMMITTEE HEARINGS

A preliminary hearing on this bill was held on March 22, 1954, and a further hearing was held on April 9, 1954. Representatives BARDEN, of North Carolina, author of the bill; CAMPBELL, of Florida; DEANE, of North Carolina; and ASHMORE, of South Carolina, and other witnesses spoke in favor of the bill. There is no testimony in opposition to the bill. The gentleman from North Carolina [Mr. BARDEN] urged prompt action on the bill so that the ⅜-bushel basket may be available when the peach crop begins to move in the next few weeks, and also for use later on in the packaging and shipment of other fruits and vegetables. I should like to read certain excerpts from their statements. Here is what the gentleman from North Carolina [Mr. BARDEN] said:

The growers of North and South Carolina had a meeting. They have an organization, * * * the peach-growers association, and at this meeting they called for permission to use what they term a gift package * * * a ⅜-bushel basket.

Now, Mr. Chairman, I know that you are often called upon for quick action on legislation. I do not believe there would be the slightest opposition from anybody to this

bill. It is very, very important that this be passed as quickly as possible to take care of this year's crop of peaches.

The machinery and plants are set up * * * the plants are ready to go ahead producing this basket. The demand is available. The growers want the basket.

* * * It is awfully important to the industry and tremendously important to the people who are to manufacture these baskets that they have the time to put them on the market so they can be used.

This [basket] is in response to a great demand and will be a tremendous value to your pear folks and your peach folks and others. It is not too much for a family. It is the right size for quick transportation to arrive in good shape.

* * * I discussed it with some of the others from the peach- and apple-growing sections and I found that in every instance the peach growers, and the small peach growers, were tremendously interested in this [basket].

Now, I do have letters here which indicate that a survey has been made through the growing areas, and the interesting thing to me is that I am somewhat in the position of Mr. Mack. Not a single person have I heard say that there was any objection to it. They all say, "Well, it probably is a good thing. We have no objection."

The gentleman from Florida [Mr. CAMPBELL] made the following statement to the committee:

I feel that this package [referring to the proposed ⅜-bushel basket] will increase sales for the small fruitgrower and packing-house, and we have a great many in our State. * * * I cannot help but feel that this would fill a need for both express shipments and parcel-post shipments and with our mail-order business that it would help everyone in our area in disposing of the crop and would help the consumer at the other end, because he gets too much fruit otherwise.

Now, I am talking from personal experience as a grower. I send out many boxes of fruit during the season. Some of them sometimes send in a slip asking us not to ship, because they do not want to get so many packages at one time, and so that they can order them when they are ready for these packages.

And you take a package of this type and kind, it would hold enough to last a housewife for a week and she can use it up and will not have to stand that decay problem that faces her at the present time.

* * * Shipments of the small packages are going down. They are not increasing. It could take care of many special products, such as Temple oranges, tangerines, and the people get too much fruit at a certain time or season, and it will help on the decay problem in this type and kind of package.

The gentleman from North Carolina [Mr. DEANE] also appeared before the committee and made the following statement:

I can see in this basket how it is going to be particularly applicable not only to peaches, but to plums, apricots, and to citrus fruits that Mr. CAMPBELL mentioned but also the very fine McIntosh apples, pears, and tomatoes.

I have here a telegram I received from the gentleman who is the owner of the largest amount of stock perhaps in this North State Orchard in my district, of a thousand acres, and he urges me to support this particular container bill.

* * * I do feel that spoilage is involved, and if we fail to come to grips with this now container and, likewise, we do not give the consumers what they need, that we will lose. And, I certainly hope that the committee will look with favor upon this particular container * * *.

* * * I feel that this particular basket will open up an avenue of sales for the large, as well as the small growers, but will help get the product on the market, and in sizes that the average wage earners can buy, because when you get into the purchase of peaches or other fruits that come into the market, that goes into pretty good amounts, and this smaller size would mean a price differential there that I think would be attractive.

The gentleman from South Carolina [Mr. ASHMORE] also spoke in favor of this bill, as follows:

I have written to the president of the South Carolina Peach Growers Association, and one of the directors of that organization explained this basket to him. They are vitally interested in it. They want it, and, it is for this reason principally, it will open up a new means of marketing fruit that is not now available to the grower and shipper, in that this package is a package that will appeal to the average family. It will appeal to the public as a gift package.

To me it seems that it would be ideal for shipping tomatoes; certainly ideal for shipping small packages of citrus fruits and tomatoes.

I think it opens important avenues for the producer and grower that is not now in existence; a new market for him, and there is no need for him growing his product unless he has a market for it. * * *

* * * I informed my growers of the fact that this bill had been introduced and that basket was being requested. The president and director of the organization of growers, South Carolina Peach Growers Association, wrote me that they were highly in favor of it and they would like to see it produced.

Mr. Dan Farrell, sales manager of the Taylor Chemical Co., endorsed this bill. His statement is as follows:

During the last 2 or 3 years we have had quite a depressed market on peaches. For some reason, I cannot tell you, but the economy of the peach grower has gone down quite sharply during the last year or two.

We figure the only way to step the economy of the peach grower up is to offer a wider spread, a wider distribution of their product so that they can sell them at their cost of production plus a reasonable profit.

The only way to increase the sale and distribution of peaches is to give the consumer, the housewife, what she wants.

We have found that the housewife, the restaurant buyer, or any other consumer of fresh fruits and vegetables buy what they want. If they see a product, a fruit, or a vegetable they want, they do not argue too much about the price, but we have got to make it attractive and to build the demand for the product. To do that we have got to offer peaches in a first-class condition that can be accepted as good fruit, with high quality, no decay; with a luscious flavor; a good aroma; and to do that, we have to let the peaches mature on the tree, to pack and cool them quicker and better at that time, at the orchard, and get them to the far-off terminals.

Most of our peaches from North and South Carolina are consumed here in the East, in the New York and New Jersey area,

which is some four or five hundred miles from the orchards.

To do that we have got to have smaller packages, get the peaches to the consumer in a better condition.

After Mr. Moses Richter gave me the idea that this was the package he wanted for his orchard—and he also owns a distribution firm that distributes fresh fruits and vegetables all over the whole Southeast—I talked to perhaps 50 of the larger growers in North Carolina, South Carolina, Virginia, and Georgia, and found that they are very enthusiastic about the package, not that they are sure that this is the ideal package, but it is the best thing we know today to give the housewife, the consumer, peaches that they want.

In view of these excellent statements in support of this legislation, the committee reported this bill favorably and recommended that it pass. The peach growers and other fresh fruit and vegetable growers and also the peanut growers are vitally interested in this legislation. I urge the House to pass this bill without delay.

(Mr. WOLVERTON asked and was given permission to revise and extend his remarks.)

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. MACK], a member of the committee.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield the gentleman 5 minutes also.

Mr. MACK of Illinois. Mr. Chairman, I am unable to understand the urgency for this legislation. I see no reason why a bill should be brought into the House without due consideration by the Committee on Interstate and Foreign Commerce. This matter came before the Rules Committee, I believe, yesterday morning and was reported to the House this afternoon. When debate started 1 hour ago I was unable to find a copy of this bill in the House of Representatives. So I have concluded that it must be very important legislation when it is rushed through without giving the Members time to become thoroughly conversant with the various issues that have been raised in our committee.

Mr. WOLVERTON. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the distinguished chairman of our committee, the gentleman from New Jersey.

Mr. WOLVERTON. I am surprised to hear the gentleman say that he was unable to get a copy of the bill. The bill in its present form has been before the House for upward of 4 weeks. Certainly, I have never known of anyone having any difficulty obtaining a copy. I could obtain a copy any time I wanted it by inquiring at the proper place.

Mr. MACK of Illinois. This afternoon several of my colleagues asked me for copies of the bill. I thought it was possible to obtain a copy without sending to the Document Room, and as of 1 hour ago I was unable to secure a copy in the House of Representatives.

Mr. Chairman, it is very disappointing to me that we take the time of the House to discuss the advisability of including another sized container in the Standard Container Act of 1928. Several state-

ments have been made here this afternoon that the three-eighths size container is the only size that was left out at the time that they were discussing it. They also left out the seven-eighths size, and I understand when they were originally considering this legislation in 1928 that the reason the three-eighths size and the seven-eighths size were left out is because they are somewhat deceptive and they appear to be half bushel baskets and full bushel baskets. That is the reason they were left out of the original act, and now we are proposing here today to add three-eighths.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman from California.

Mr. YOUNGER. Is it not true that all baskets have to be labeled whether they are one-quarter, three-eighths, or whatever they are?

Mr. MACK of Illinois. The gentleman is entirely correct, but, nevertheless, the three-eighths size and the seven-eighths size are somewhat deceptive, and that was our view originally when this legislation was before Congress.

I believe that the Committee on Interstate and Foreign Commerce should have considered some alternative for this proposal. They should have considered the advisability of delegating the authority, at least, for administration of the present act. If you pass this bill this afternoon, there will be some other manufacturer in here tomorrow requesting that you pass a bill for the seven-eighths size, 1½-bushel size, and 1⅞-bushel size, and there is no end to what the manufacturers will do when they want to produce a new-size container. I believe it would establish a very poor precedent because when you amend the Standard Container Act you are also establishing a precedent for amending the various standards acts that have been enacted throughout the years. I know that many Members of this body know of the difficulty that they had during the war when a British carrier came into Norfolk to be repaired after it was damaged by a German torpedo. They had to completely rebuild the ship. They had to make special screws because of the lack of standards between the United States and Great Britain.

Mr. Chairman, several members of the Committee on Interstate and Foreign Commerce signed a minority report, and because this bill was called up this afternoon in a terrific rush they were not able to get back here. There is at least one other member of our committee that is opposed to the enactment of this legislation that is not able to be here this afternoon. Most of the members who signed the minority report felt that when we are asked to amend the basic act, with the greatest possible speed—a basic act governing weights and measures—there should be a clear and positive statement made for such amendment, and that clear and positive statement is lacking. There was no organization of any national prominence that came before our committee to support this legislation.

I believe that the proponents of the bill are rather local in nature, and it is being supported principally by a small group in North and South Carolina. This law that we are amending today has been on the statute books for 26 years and not once has any organization come to Congress to have this act amended. No organization has ever come to the Department of Agriculture or to Congress to amend the Standard Container Act of 1928. We submit that no satisfactory showing for amending this law has been made before our committee.

Mr. Chairman, the primary purpose of the Standard Container Act of 1928 was to eliminate the unnecessary sizes of hampers and baskets. This act did accomplish that objective. Prior to the enactment of this law there were in use from 50 to 75 different hampers in about 40 different sizes, ranging from 1 quart to 50 quarts, standard dry measure. The same condition existed with reference to round-stave baskets and splint baskets. The use of such a wide variety of sizes and shapes of baskets imposed an unnecessary burden in the marketing of fruits and vegetables shipped in such containers. The burden fell on the growers, shippers, manufacturers of baskets, and consumers, and on all others involved in the marketing process.

The Standard Container Act of 1928 did reduce this multitude of sizes to 9 standard sizes, ranging from the $\frac{1}{4}$ -bushel to the 2-bushel sizes for the hamper and the round stave baskets, and from 4 quarts to 32 quarts for the splint baskets.

This law was most effective in improving marketing conditions in the fresh fruit and vegetable industry by first, providing a more accurate and definite basis for market quotations; second, eliminating unfair competition which the grower who used full-capacity containers had to meet from the user of short-measure containers; third, protecting the consumer against short measure and deception; and fourth, simplifying manufacturing processes by eliminating unnecessary sizes.

This law has never been amended, nor has there even been a suggestion of an amendment until House bill 8357 was brought to the attention of the Congress.

Before the Standard Container Act of 1928 was enacted we used to see in the newspapers throughout the country and in trade journals such advertisements as this: "Buy my baskets. They are deceptive. Will hold 5 quarts less than some other container of equal size."

That is what we are trying to get away from when we have a standard container act of any kind. It seems to me that the important question for the House to decide in this legislation is whether there is a need for amending the Standard Container Act to provide for this $\frac{3}{8}$ -bushel hamper and round stave basket.

To answer this question, let us examine the record of the hearings on this bill before the Committee on Interstate and Foreign Commerce. With all due respect to the justifications for this legislation which have been made by the proponents of this bill, I should like to quote

from the statement of Mr. Raymond G. Ramsey, of the American Package Corp., who is primarily interested in the manufacture of this container. I questioned him with respect to the demand for this type of container and these were his answers. I quote from the testimony:

Mr. MACK. Would you say that the special demand for this sized basket has been created all over the country?

Mr. RAMSEY. No, sir; I would not. Just a few of the farmers in North and South Carolina came to me with this idea and we have gotten to what we can make into a package and it happens to be a three-eighths bushel container.

Again in reply to a question concerning the demand he said:

Mr. RAMSEY. Well, to be frank, there is no demand until you put it on the market anyway. I mean, so far as the consumer trade is concerned. You can make it, and it will go over with one big shipment, maybe, and then it is thrown down. I do not know; nobody else knows.

This is the man who is responsible for having this legislation brought before the Agriculture Department and this Congress.

I put a similar question to Mr. Curry from the Agriculture Department, the Chief of the Regulatory Branch, Fruit and Vegetable Division. These were his comments:

Mr. MACK. And so far as you know, has there been any request to the Department of Agriculture for this sized basket?

Mr. CURRY. There has been no request, Mr. Mack. The only time it came to our attention was when they (representatives of the American Package Corp.) first came in with this $\frac{3}{8}$ -bushel basket and asked us how it could be manufactured legally, and our answer to them was that it would take an act of Congress to legalize the basket. That, to my knowledge was the first time.

* * * * *

Mr. MACK. But as far as you know, there has been no fruit or vegetable producers requesting a $\frac{3}{8}$ -size basket?

Mr. CURRY. Not to the Department of Agriculture.

The fact of the matter is that there is no satisfactory showing that there is a need for amending the basic law to provide for this $\frac{3}{8}$ -bushel hamper and round-stave basket. The most that can be said for this bill is that a few farmers in North and South Carolina had suggested to the American Package Corp. that a $\frac{3}{8}$ -bushel round stave basket—not the hamper—might possibly aid in the promotion of gift packages of peaches.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman from California.

Mr. YOUNGER. The gentleman states there was no satisfactory evidence produced of the need. That is only relative. I think the rest of the committee were satisfied with the evidence.

Mr. MACK of Illinois. I might say to the gentleman that one of my colleagues on my side asked the members of the committee while we were still in committee what justification they had for voting for this legislation, and no one seemed to know.

Mr. YOUNGER. They heard from the gentleman from North Carolina [Mr.

BARDEN], and they heard from Florida and the Carolinas, and a few other States where the demand was. We were satisfied; I was, at least.

Mr. MACK of Illinois. As far as the demand goes, it appears to me that the sponsor of this legislation, the only group that I can find who are interested in it, said very clearly in response to my question that there is no demand at the present time. I mentioned that also in committee the day we voted out the bill.

Mr. Chairman, I cannot find one single reason for enacting this legislation. I know of no demand in Illinois, I know of no agency of the Government that is requesting that we pass this legislation. Therefore I am opposed to the enactment of this legislation.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman from New York.

Mr. KEATING. I am no expert on bushel baskets, but would the gentleman deal with the converse of the argument he has been making? What is the objection to the bill? In other words, assume there is no great demand, and I have no knowledge on that one way or the other; what is the objection to creating a new standard form of basket?

Mr. MACK of Illinois. The most serious objection that the members of the committee had was the fact that it would establish a precedent for any other manufacturer to come to the Congress and ask for a certain size basket such as, for example, a seven-eighths size.

Mr. KEATING. I again want to disavow any familiarity with the subject. But suppose it was deemed convenient for others to have a seven-eighths bushel basket or some other size, what harm would there be in Congress permitting that also?

Mr. MACK of Illinois. I believe that instead of following your suggestion, we ought to repeal the Standard Containers Act rather than add a three-eighths size today, a seven-eighths size tomorrow, and a $1\frac{1}{8}$ size or a $1\frac{1}{4}$ size and carry on in such a way so that we will have no standardization as far as containers are concerned.

Mr. KEATING. Am I correct that we now have a one-eighth and a one-fourth and a one-half and a five-eighths and a three-fourths, a 1, a $1\frac{1}{4}$ and a $1\frac{1}{2}$ and a 2-bushel size, which are all set forth in the majority report, and I assume that that is accurate?

Mr. MACK of Illinois. I think that is substantially correct.

Mr. KEATING. Is the gentleman's point that the entire act should be repealed or that there is some danger in it of some kind?

Mr. MACK of Illinois. I believe it would be better to repeal the Standard Containers Act rather than gradually add additional sizes until we have defeated the very purpose of our standardization acts.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield.

Mrs. CHURCH. The gentleman from Illinois has stated that he knows of no

demand from Illinois for this bill. Does the gentleman know of any opposition to this bill from Illinois?

Mr. MACK of Illinois. I know of one person in Illinois who is objecting to it.

Mrs. CHURCH. I assume the gentleman is speaking for himself?

Mr. MACK of Illinois. To answer your question—I did receive a reply from the Secretary of Agriculture in Illinois. He said there is no demand for this type of container in the peach area or the apple area and that he knows no organization in Illinois supporting it.

Mr. Chairman, I might say in closing that I have not been able to justify the legislation. The argument made originally by the proponents was that we need this size container to ship through the parcel post and that the half bushel size exceeded the weight limitation and that the one-fourth size is too small to put the fruit in. They requested that we pass this legislation immediately because of postal law known as Public Law 199, 82d Congress, which was passed 2 years ago and which limits the package weight to 20 pounds and the package size to 100 inches. That does not apply to any agricultural products and that was a false argument. Since that time they have made no argument in favor of this bill to justify the enactment of this legislation. I propose to offer an amendment to delegate authority and supervision of such matters to the Secretary of Agriculture, and thus relieve the Congress of this responsibility.

Those of us who signed the minority views to H. R. 8357 are convinced that the logical solution to this problem would be for the Congress to delegate authority to the Secretary of Agriculture to prescribe standards for any additional sizes of hampers, round stave baskets, and splint baskets that are not now provided for in the Standard Container Act of May 21, 1928. To carry out this objective, I introduced a bill, H. R. 8770.

Under this proposal, the Secretary of Agriculture could investigate the needs of the fresh fruit and vegetable growers and shippers for a particular sized hamper or basket and whenever, in his judgment, such action is advisable in the interest of commerce and for the convenience and protection of consumers, the Secretary could, by regulation, provide for such additional sizes.

The Secretary already has the authority to prescribe tolerances or variations in the standard capacities, incidental to the manufacturing process, of the containers already prescribed by law. Why not, then, also give him authority to prescribe additional sizes as well?

Enactment of H. R. 8770 would no longer make it necessary for the Congress to take time out to consider unimportant proposals such as prescribing the relative sizes of baskets to be included in the Standard Container Act. The Secretary of Agriculture can and should perform this function. He has been administering the provisions of the Standard Container Act of 1928 since its enactment and is intimately familiar with all of its ramifications. Under the provisions of H. R. 8770 the Secretary would have authority to deal with the

sizes of containers on a broad and comprehensive basis.

I urge the House not to pass the reported bill, but to pass, instead, H. R. 8770.

Mr. HARRIS. Mr. Chairman, I yield the balance of the time remaining on this side to the gentleman from North Carolina [Mr. BARDEN].

Mr. O'HARA of Minnesota. Mr. Chairman, I also yield 10 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Chairman, I must confess in all my experience in the House of Representatives, this is probably the most peculiar situation I have ever run up against. I appeared before the committee presided over by the distinguished gentleman from New Jersey [Mr. WOLVERTON], with whom I have served in this body for 20 years, and for whom I have the highest regard. I have never in my life seen a gentleman display more patience. He was courteous. He extended himself to the limit to give everyone every possible consideration. The gentleman from Illinois [Mr. MACK] is the last person on the face of the earth who should raise the question of being rushed.

After the matter had been discussed at great length, and with apparently no particular objection, he informed the chairman that the next witness he wanted to examine for an hour, and the next one he would want to examine at great length. Whereupon, the distinguished chairman informed him that he had not had his lunch, and he had another appointment, but if necessary he would sit there the rest of the day and the night, if it were necessary to do so, in order that he might have all the time he wanted. So the gentleman from Illinois [Mr. MACK] had all the time that he could possibly use, and the committee was not adjourned until the chairman had given him every possible consideration; and then, with no further objection from the gentleman from Illinois, the committee was adjourned.

I do not believe any word of criticism should be extended to the distinguished gentleman from New Jersey [Mr. WOLVERTON], for, I repeat, I have never seen such a display of patience, kindness, and consideration to everybody.

I am troubled to find any objection to this. Frankly, I did not anticipate any squabble about this bill. It just did not occur to me that there would be any issue raised. I say now that the only possible reason for not passing this bill, which the gentleman from Illinois raised, was the possibility of deception. That simply does not stick, because the Department of Agriculture, the administrator of this particular act, appeared before the committee, and here are his words:

The $\frac{3}{8}$ -bushel size for hampers and round stave baskets does not introduce any new size concept since this size is authorized for Climax and splint baskets by the acts of 1916 and 1928. There should be no problems concerning any deception of appearance for the three-eighths bushel, so the only question to be decided is whether or not the industry would make sufficient use of it to warrant its inclusion.

And there simply is no way to determine the degree of use the industry will put it to until it is made available.

I want to disagree a little about the folks who wanted this. I just have a brief letter from Mr. Frazer, of the International Apple Association:

Thanks for your letter of April 8. I hope you get H. R. 8357 enacted.

Here are a few letters and telegrams to which I will call your attention briefly:

MURFREESBORO, N. C., April 7, 1954.
Congressman BISHOP,
House of Representatives,
Washington, D. C.:

Please lend your support for the immediate passage of S. 3151 and H. R. 8357, this to legalize $\frac{3}{8}$ -bushel basket. Contact Congressman PETER F. MACK, JR., and urge him to approve this bill as this container urgently needed for shipment of peaches and apples in our territory. Your immediate consideration is necessary because public hearing is scheduled for Friday, April 9.

HOMER WILKINS,
President, H. A. Du Bois & Sons,
Cobden, Ill.

RICHTER & COCHRAN, INC.,
Mount Gilead, N. C., May 8, 1954.
Hon. GRAHAM BARDEN,
House Office Building,
Washington, D. C.

DEAR MR. BARDEN: I understand that you are meeting with obstructions in bringing to a satisfactory conclusion approval for the new peach package that Mr. Raymond Ramsey, of Package Research Laboratories, and Mr. Brown, of Riverside Manufacturing Co., have developed to help us move peaches as gifts and also for the consumer trade in food stores throughout the United States. I understand that this opposition comes from someone in Illinois. I cannot understand why anyone would want to hamper something progressive; there is no doubt in my mind that a greater volume of peach business could be had if a better way could be found to bring peaches to the stores and consumers with less decay.

I have shown plans and samples of this package to the jobbing and retail trade and have found everyone very enthusiastic. This newly developed package is desirable for many reasons. It contains only three layers of peaches supported by a ring face and excelsior pad, thereby keeping peaches intact in transit, and avoiding shakeup and bruising. Because of the shallow package and the elimination of bulkiness, the peaches do not develop the heat which usually develops in a deep package such as bushels or half bushels, the result of which heat is decay upon arrival at destination. A package which contains no more than three peaches in depth, one on top of each other, supported with a proper ring face will carry a longer distance and at least 2 days extra; the same peaches packed under the same conditions, but in a bulky container like a full bushel or half bushel, will not hold up as long.

We understand that the party who is fighting this package has proposed a $\frac{1}{4}$ -bushel container, which will contain no more peaches than the new package sponsored by us. However, the one-fourth bushel will have too many peaches in depth resting one upon another, and while the one-fourth bushel is not as bulky as the bushel or half-bushel, it will tend to heat up more than the shallow container, particularly during the peach season, which is the hottest period of the year.

Furthermore, if a one-fourth bushel were adopted instead of our shallow package, it would entail a hardship upon all the growers

who have recently adopted the three-fourths bushel as a standard package; special forms and packing bins have already been designed in all of the packing houses to ring face the three-fourths basket. The shallow package we are supporting contains the exact ring face of the $\frac{3}{4}$ -bushel basket. The only difference is that our package contains 3 layers of peaches instead of 10 layers. It does not require a change of labor, methods, forms, packing or loading. If a $\frac{1}{4}$ -bushel package is adopted it will require the growers to supply themselves with new forms, new ringers and new equipment. Since trucks are now standardized for proper loading of baskets with the circumference and diameter of the three-fourths basket, it would be economically impossible for the growers to rearrange their pack sheds and their trucking facilities to the $\frac{1}{4}$ -bushel basket. On the other hand, we have already received orders covering thousands of packages of the new item and these could be put up and shipped by our growers with their existing facilities without any further trouble.

It is imperative to the North and South Carolina peach growers that this package you are now sponsoring become a reality because it will enhance distribution of peaches to the stores and for gift packages. It will minimize decay and it will enable thousands of people to purchase small packages, rather than large bushel or half bushel packages which are not always within financial reach of the masses of the people.

I trust we have made ourselves clear and that you will have no trouble in bringing the issue of our package to a successful conclusion.

Very truly yours,

RICHTER & COCHRAN, INC.,
M. RICHTER, President.

CANDOR, N. C., May 2, 1954.

Hon. GRAHAM A. BARDEN,
United States House Office Building:

As fruit growers we need the $\frac{3}{8}$ -bushel baskets as authorized by H. R. 8357. Would appreciate your full support.

GALLIMORE ORCHARDS,
D. P. GALLIMORE.

CANDOR, N. C., May 5, 1954.

Hon. GRAHAM A. BARDEN,
House Office Building:

Reference H. R. 8357 would appreciate your active support as the fruitgrowers need the new package as authorized by this bill.

BOST ORCHARDS,
JOHN BOST.

CANDOR, N. C., May 5, 1954.

Hon. GRAHAM A. BARDEN,
House Office Building:

Please support H. R. 8357. The package approved by this bill should offer the fruit-grower a wider market.

EWING ORCHARD,
D. W. EWING, JR.

CANDOR, N. C., May 5, 1954.

Hon. GRAHAM A. BARDEN,
House Office Building:

Would appreciate your support of H. R. 8357. The $\frac{3}{8}$ -bushel basket offers the fruit-growers a package that could reach new markets.

SANDY RIDGE ORCHARDS,
ROBERT CHAPPELL.

CANDOR, N. C., May 5, 1954.

Hon. GRAHAM A. BARDEN,
House Office Building:

We hope that you will give support to H. R. 8357 which authorizes a $\frac{3}{8}$ -bushel basket that is urgently needed by the fruitgrowers.

MACK CLARK ORCHARDS.

CANDOR, N. C., May 3, 1954.

Hon. GRAHAM A. BARDEN,
House Office Building:

Reference H. R. 8357 pertaining to $\frac{3}{8}$ -bushel basket. As we fruitgrowers need this package badly we urge your active support.

TUCKAHOE PEACH FARMS,
BILL CAPEL.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. REED of New York. Mr. Frazer comes from my district, a great apple-growing county. I think he is one of the most distinguished scientists with reference to agriculture on the question of fruitgrowing that you will find in this country.

Mr. BARDEN. I thank the gentleman. I also know Mr. Frazer to be a delightful gentleman. If you know him as I know him, then we both know that if he disagreed with this he certainly would have no hesitancy in saying so. I admire and trust him.

I do not know how to present a matter of this kind other than to say that the shippers want it, especially the small orchard shippers. They contend that it would be quite useful as a gift package, that the larger package will put too much weight on the lower layers of peaches. They anticipate this package being purchased by housekeepers who do not want a large package of fruit, one that will spoil even if it reaches them in good shape.

Here is a letter that comes from a shipper and he has some very excellent reasons:

I have shown plans and sample of this package to the shipping and retail trade and have found they were enthusiastic.

This newly developed package is desirable for many reasons. It contains only three layers of peaches supported by a ring face and excelsior packing, thereby keeping peaches intact in transit and preventing bruising. Because of the shallow depth and the elimination of bulkiness the peaches do not develop the heat they usually develop in a big package such as a bushel or half bushel, the result of which is decay upon arrival at destination.

The package which contains no more than 3 peaches in depth, 1 on top of each other, supported by the proper ring face will carry a longer distance and at least 2 days extra.

He has set forth some very good reasoning:

It is imperative to the North and South Carolina peach growers that this package you are now sponsoring become a reality because it will enhance distribution of peaches to the stores and for gift packages. It will minimize decay, it will enable thousands of people to purchase small packages rather than large bushel or half-bushel packages which are not always within financial reach of the masses of the people.

Mr. Chairman, I thought this was excellent reasoning and good logic. I do not know why they have 12-ounce packages for strawberries and why they put out pint packages of strawberries, or why they put out other sizes. I do know the trend is toward small packages.

Mr. MACK of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. MACK of Illinois. I would like to ask the gentleman from North Carolina if he feels it is urgent that we enact this legislation.

Mr. BARDEN. Let me say that the shippers, the men who grow the fruit, who invest their sweat and their money in their crops tell me it is urgent and that this will help them in the marketing of their fruit. They tell me in these letters, telegrams, and even through phone messages that it is very imperative that they have all additional help they can get in the marketing of their produce, and that they want this basket for the last part of May when the crop begins. The season does not wait for the gentleman from Illinois or for me to either get a bill from the document room or to read it and study it. They are interested in survival. They want to make money on their crops. When they present that argument to me, I, as one Member of this House, am not willing to allocate unto myself wisdom superior to theirs in the handling of their own commodity.

I say if they believe it will enable them to market their crops and make a better living for them and their families, yes, I am willing to hurry a little bit for them; and that is why the bill is being urged. They are not asking for one dime in money. They just want the right to use this three-eighths basket because they believe it will help them.

I hope that answers the gentleman's question.

Mr. MACK of Illinois. If I understand the gentleman's answer to my first question correctly it is that it is quite imperative that it be enacted immediately.

Mr. BARDEN. I am not going to enter into a play on words with the gentleman. The common sense of the thing ought to appeal to the gentleman and make him realize that the season does not wait.

Mr. MACK of Illinois. May I ask one additional question, then?

Mr. BARDEN. Certainly.

Mr. MACK of Illinois. If this subject was first legislated upon in 1928 and they have not been permitted to use the $\frac{3}{8}$ -size basket for 26 years what happened in the last 3 months—I believe it was in the last 3 months that the bill was introduced—what has happened in the last 3 months to make it necessary to rush down to the halls of Congress to pass this legislation for a $\frac{3}{8}$ -size basket?

Mr. BARDEN. I wish I could classify that as an intelligent question. I would like to dignify it to that extent. I do not know what the gentleman is striking at. I do not know whether he is suspicious, whether he questions somebody or whether he really does not know or does not want to know. I do not know what it is. If the gentleman will make himself a little clearer I would appreciate it. In one breath he says: "Why, if you amend this act they will be in here every day wanting new packages." In the next breath he says: "It has been 26 years since the act has been amended."

I do not know why it is going to bring a request for a new package down here

every day. I certainly do not know why the buying public change their minds, but they do. I wish the gentleman would open up his heart and head and tell us why he is against this. I want to say to the gentleman that he is the only human being I have met that even had a word of discouragement. Of course, he could be right and everybody else wrong, I do not know, but I am always willing to be shown I am wrong and if I am wrong I want to know of it.

I could put all of these letters and telegrams in the RECORD. I do not know who he regards as people. I know there were several Members of Congress who appeared before the committee, including the gentleman from Florida [Mr. CAMPBELL], certainly an expert in this field, and the gentleman from North Carolina [Mr. DEANE], and the gentleman from South Carolina [Mr. ASHMORE]. I do not know which States the gentleman regards as important. So far as I am concerned, wherever a food crop is grown it is important. It is important to the growers of that crop to market it. If they come to the Congress and say: We can better market and dispose of our commodity in such and such a package and the department handling the package says: We have no objection to it, we can see no objection whatever and have no objection to it being adopted, I do not see why the Congress should be so skeptical about that farmer who says: We can do a better job with that package. I see no objection to letting him have it.

Certainly, these packages have not been used. They do not have any record of being used because it would have been illegal to have sold them. But the trade says, those who purchase baskets, that they want the $\frac{3}{8}$ -bushel basket and unless some good reason is given I honestly say that I see no reason why the Congress should not grant authority to use it.

Never in my life, Mr. Chairman, have I been involved in a debate where I so completely felt I was just fanning at the air. If I had some substantial opposition based on good reason, I could get along better.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield to the gentleman from Georgia.

Mr. FORRESTER. I know the gentlemen is familiar with my State. Down in south Georgia he knows that we raise quite a few peaches. May I ask the gentleman, is it not true that down in south Georgia where we raise lots of peaches, if this bill passed the House today and goes right on over to the Senate, the chances are that we will be picking our peaches down there about the time this bill receives final passage?

Mr. BARDEN. Yes.

Mr. FORRESTER. As a matter of fact, is this bill not so simple that a man reading it in about 2 minutes could understand the bill as well as if he had 6 months to read it?

Mr. BARDEN. I do not know. I am so short on intelligence myself that I do not want to appraise anybody else's. But I just fail to see any problem about it. I know the peach growers want this

package by the 20th or 25th of May and I see no reason why they should not have it. And this is not confined to peaches; it applies to any other fruits and vegetables.

Mr. O'HARA of Minnesota. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to fix standards for hampers, round-stave baskets, and splint-baskets for fruits and vegetables, and for other purposes," approved May 21, 1928, is amended by (1) inserting after "one-fourth bushel" and before "one-half bushel," the words "three-eighths bushel," and (2) by inserting after subparagraph (b) an additional subparagraph (bb) reading as follows:

"(bb) The standard three-eighths bushel hamper or round-stave basket shall contain eight hundred and six and four-tenths cubic inches."

Mr. MACK of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACK of Illinois: Strike out all after the enacting clause and insert:

"That (a) sections 3, 4, 5, 6, 7, 8, 9, and 10 of the United States Standard Container Act of May 21, 1928 (15 U. S. C., secs. 257b to 257i, inclusive) are hereby redesignated as sections 4, 5, 6, 7, 8, 9, 10, and 11, respectively, and the last section of such act is hereby repealed.

"(b) Such act is hereby further amended by inserting after section 2 thereof a new section as follows:

"Sec. 3. Whenever in his judgment such action is advisable in the interest of commerce and for the convenience and protection of consumers, the Secretary of Agriculture may by regulations—

"(1) provide for standard hampers and round stave baskets for fruits and vegetables in addition to those specified in section 1 of this act, and fix the capacities thereof in cubic inches; and

"(2) provide for standard splint baskets for fruits and vegetables in addition to those specified in section 2, and fix the capacities thereof in cubic inches."

"Sec. 2. Such act of May 21, 1928, is hereby further amended as follows:

"(1) The first sentence of the first section of such act is amended by striking out 'That the standard hampers and round stave baskets' and inserting in lieu thereof 'That, except as provided in section 3, the standard hampers and round stave baskets.'

"(2) The first sentence of section 2 of such act is amended by striking out 'That the standard splint baskets' and inserting in lieu thereof 'That, except as provided in section 3, the standard splint baskets.'

"(3) The first sentence of the section of such act which, by this act, is redesignated as section 4, is amended by inserting after 'sections 1 and 2 of this act' the following: ', or prescribed under section 3 of this act,'.

"(4) The section of such act which, by this act, is redesignated as section 5, is hereby amended by inserting after 'sections 1 and 2' the following: ', or the regulations prescribed under section 3,'.

"(5) The section of such act which, by this act, is redesignated as section 6, is amended—

"(A) by inserting after the words 'this act' where they appear immediately before the first proviso, the following: 'or the regulations prescribed under section 3 of this act'; and

"(B) by striking out the period at the end of the first sentence of such section and inserting in lieu thereof the following: 'or the regulations prescribed under section 3 of this act,'.

"(6) The first sentence of the section of such act which, by this act, is redesignated as section 7, is amended by inserting after 'this act,' the following: 'or regulations prescribed under section 3 of this act,'.

"(7) The third sentence of the section of such act which is so redesignated as section 7 is amended by inserting after 'this act,' the following: 'or to regulations prescribed under section 3 of this act,'."

Mr. O'HARA of Minnesota. Mr. Chairman, I make the point of order against the amendment, first, that it is not a proper amendment, it is not germane, and it involves an attempt to change the Constitution of the United States in delegating authority to the Secretary of Agriculture when such authority is vested only in the Congress of the United States.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. MACK of Illinois. Yes, Mr. Chairman. I believe this amendment merely delegates authority for administration to the Secretary of Agriculture. The Secretary of Agriculture already has, by reason of the act of 1928, authority to establish allowances for various containers. I believe that this amendment merely gives him additional authority to establish containers in addition to the ones already provided for.

The CHAIRMAN. The Chair is ready to rule. The Chair has examined the amendment and believes that the following chapter from Cannon's Procedure settles the question:

Where a bill proposes to amend a law in one particular it is well established that amendments seeking to repeal the law or relating to the terms of the law rather than to the bill are not germane.

Therefore, the Chair sustains the point of order.

The Clerk read as follows:

SEC. 2. This act shall take effect immediately after the date of its enactment.

Mr. MACK of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I realize that my amendment might not have been germane to this bill. I did offer this amendment because I felt that this was the solution to provide additional size baskets instead of amending the Standard Container Act of 1928. I do not feel that the manufacturers should have to come to Congress and pressure Congress every time they want an additional size container on the market. In this case, it happens to be a basket. The next time they might come in with a glass jar and take up the time of Congress arguing to determine whether that size container is justified under the present law.

My proposal is this: I happen to have introduced a bill on the subject, and it merely delegates authority of administration to the Secretary of Agriculture. It is my understanding that the majority of the members of my committee support me in this proposal; but because of the rush and the request that has been

made to enact the Barden bill, it was decided to vote that bill out before having hearings on my proposal.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I am glad to yield to the gentleman from California.

Mr. YOUNGER. Did I understand the gentleman to say that the committee is unanimously behind his bill?

Mr. MACK of Illinois. I may have overstated it, if I said that. I might say that I have heard no one from my committee with whom I have discussed this matter who disapproved the procedure I recommend of eliminating the present requirement of coming to Congress every time a manufacturer wants a new size basket.

Mr. YOUNGER. Have there been hearings on the gentleman's bill?

Mr. MACK of Illinois. I might say to the gentleman that I asked for hearings on this bill the same time they had hearings on the other bill. Also, I asked that my bill be considered in executive session. I do not believe it was considered at any great length.

Mr. YOUNGER. That is why I think the gentleman was in error when he said that the committee was unanimously behind his bill. I think that was a misstatement.

Mr. MACK of Illinois. I might say to the gentleman that the committee did not vote out my bill. I would like to state further along this line that the gentleman from North Carolina questioned the opposition to the bill and made a statement to that effect. He mentioned the fact that there was only one; grant that it might be a limited number. I do not mind being in the minority. I do not mind being alone when I am right. It happened that this bill was brought up without notice. It was not scheduled last week. It was not scheduled yesterday. It was brought up on very short notice this morning. It so happens that the other four members who signed the minority report are not in the city. It happens that one of the gentlemen in opposition to the bill who asked several questions concerning its justification had to leave about 30 minutes ago because of an engagement. So I should like to correct the gentleman in that regard. There were a few people interested in this other approach to this problem, so that we would not have to take the time of Congress to discuss a new size basket every time some person wanted to put one on the market.

I should like to say, also, if the House approves my bill, that it will be equitable for all. It will provide a means for any one manufacturer making additional size containers to go to the Secretary of Agriculture for this authority. I believe this bill is designed to take care of just one request that has been made by one manufacturer. My bill would cover a very broad field. If anyone wanted to come in next week and apply for a seven-eighth size, he would not have to come to Congress, but could go to the Secretary of Agriculture; and if the Secretary felt that it was necessary in order to facilitate commerce in agricultural products, he could approve it.

I might be alone here today in my arguments in favor of delegating this authority to the Department of Agriculture, but I assure you that many of my colleagues on the committee from both sides of the aisle strongly favor the principle of delegating the authority and relieving Congress of this responsibility. At the hearings on March 22 the distinguished chairman of my committee indicated his interest in this approach to the problem when he made the following statement:

Seriously speaking, it does seem to me that it is so ridiculous that anyone would have to come here and introduce legislation to get that particular size basket, that I think the committee might well give consideration to some type of legislation that would place in somebody a discretion rather than require the necessity of coming to Congress for an act of that kind. While we are going around this, I want to see what personal interest there is in the committee in this matter.

Mr. Chairman, it is quite evident this legislation amending the Standard Container Act of 1928 is the wrong approach to this problem. This is poor legislation. The proponents themselves were not familiar with the actual effect of the bill on the Standard Container Act. They purport to be asking to amend the act to provide for the addition of only one container—the $\frac{3}{8}$ -bushel round stave basket; whereas, in reality this bill provides for the addition of two containers—the $\frac{3}{8}$ -bushel hamper, as well as the $\frac{3}{8}$ -bushel round stave basket. There has been no request whatever made for the additional $\frac{3}{8}$ -bushel hamper basket, not even by the manufacturer who is interested in this proposal and who is planning to manufacture the $\frac{3}{8}$ -bushel round stave basket. For this and many other reasons stated today, this bill should be voted down.

(Mr. MACK of Illinois asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SHEEHAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8357) to amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths basket for fruits and vegetables, pursuant to House Resolution 528, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill to amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables."

A motion to reconsider was laid on the table.

SPECIAL ORDER GRANTED

Mr. PILLION asked and was given permission to address the House for 30 minutes on Thursday next, following the legislative program and any special orders heretofore entered.

AMENDING CERTAIN PROVISIONS OF THE SECURITIES ACT OF 1933

Mr. NICHOLSON. Mr. Speaker, I call up House Resolution 527 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2846) to amend certain provisions of the Securities Act of 1933, as amended, the Securities Exchange Act of 1934, as amended, the Trust Indenture Act of 1939, and the Investment Company Act of 1940. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. NICHOLSON. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi [Mr. COLMER], and I now yield myself such time as I may require.

Mr. Speaker, I rise to urge the adoption of House Resolution 527, making in order the consideration of S. 2846, a bill to amend certain provisions of the Securities Act of 1933, as amended, the Securities Exchange Act of 1934, as amended, the Trust Indenture Act of 1939, and the Investment Company Act of 1940.

House Resolution 527, Mr. Speaker, provides for an open rule, with 1 hour of general debate on the bill itself.

As I understand this bill, Mr. Speaker, it is designed to simplify and clarify present law pertaining to the regulation and issuance of securities, by vesting certain discretionary powers in the Securities and Exchange Commission. Of course, these powers would only be granted within certain well-defined areas, and would enable the Securities and Exchange Commission to carry on its duties without subjecting the security dealers, underwriters, and issuers to statutory prohibitions and limitations which are more rigid than necessary in order to protect the investors.

Very briefly, Mr. Speaker, S. 2846 would permit the making of now forbidden written offers to buy or sell securities before the registration statement is effective, and the dissemination of information between the filing and effective dates of the registration statement.

The proposed new bill would reduce the present 1-year period to 40 days during which the delivery of a prospectus is required in trading transactions, as

83D CONGRESS
2D SESSION

H. R. 8357

IN THE SENATE OF THE UNITED STATES

MAY 12 (legislative day, APRIL 14), 1954

Read twice and referred to the Committee on Interstate and Foreign Commerce

AN ACT

To amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths bushel basket for fruits and vegetables.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Act entitled "An Act to fix standards
4 for hampers, round-stave baskets, and splint-baskets for fruits
5 and vegetables, and for other purposes", approved May 21,
6 1928, is amended by (1) inserting after "one-fourth bushel"
7 and before "one-half bushel", the words "three-eighths
8 bushel", and (2) by inserting after subparagraph (b) an
9 additional subparagraph (bb) reading as follows:

10 “(bb) The standard three-eighths bushel hamper or

1 round-stave basket shall contain eight hundred and six and
2 four-tenths cubic inches.”

3 SEC. 2. This Act shall take effect immediately after the
4 date of its enactment.

Passed the House of Representatives May 11, 1954.

Attest:

LYLE O. SNADER,

Clerk.

AN ACT

To amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths bushel basket for fruits and vegetables.

MAY 12 (legislative day, APRIL 14), 1954
Read twice and referred to the Committee on
Interstate and Foreign Commerce

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 10, 1954
For actions of June 9, 1954
83rd-2nd, No. 106

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HIGHLIGHTS: House passed O&C land jurisdiction bill. House committees reported bills to dispose of surplus commodities and to authorize Colo. reclamation project. House debated Labor-HEW appropriation bill. Senate concurred in House amendments to bill to increase excess-tobacco penalty. Senate committees reported State, Justice, Commerce appropriation bill. Sen. Beall defended Secretary's price-support program. Sen. Gillette criticized leadership for not acting sooner on trade-agreements bill, and Sen. Ferguson took issue with him. Sen. Thye inserted his recent speech discussing use of surplus commodities.

HOUSE

1. FORESTRY. Passed without amendment S. 2225, relating to administrative jurisdiction over certain O&C land in Oreg. (pp. 7539-41). This bill will now be sent to the President. The bill provides for continued administration of the controverted lands by the Forest Service, with accounting of funds heretofore or hereafter received to be the same as for other O&C land receipts, and provides for consolidation of the checker-board administrative areas through exchanges of land by the Agriculture and Interior Departments.
2. SURPLUS COMMODITIES. The Agriculture Committee reported with amendment S. 2475, to authorize the President to use agricultural commodities to improve the foreign relations of the U. S. (H. Rept. 1776)(p. 7552).
3. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 4449, to authorize Interior to construct, operate, and maintain the Colorado River storage project and participating projects (H. Rept. 1774)(p. 7552).
4. LABOR-HEW APPROPRIATION BILL, 1955. Continued debate on this bill, H. R. 9447 (pp. 7505-39). Agreed to an amendment by Rep. Abbitt to increase by \$5,298,750 the amount for vocational education, particularly in agriculture (pp. 7516-32). Rejected, 77-81, an amendment by Rep. Van Zandt to provide \$100,000, under Bureau of Labor Standards, for assisting organizations that work to improve the condition of migratory farm workers (pp. 7505-10).
5. LEGISLATIVE PROGRAM. Rep. Halleck said debate would continue on the Labor-HEW

appropriation bill
/today and that the trade-agreements bill will be considered Friday (p. 7541).

SENATE

6. TOBACCO QUOTAS. Concurred in the House amendments to S. 3050, to increase the penalty on marketing tobacco in excess of quotas from 40% to 50% of the average market price, effective July 1, 1955 (pp. 7498-9). This bill will now be sent to the President.
7. STATE, JUSTICE, COMMERCE APPROPRIATION BILL, 1955. The Appropriations Committee reported with amendments this bill, H. R. 8067 (S. Rept. 1541)(p. 7458).
8. MOTOR VEHICLES; PROPERTY; EXTENSION WORK. The Government Operations Committee reported without amendment S. 3199, to authorize additional use of Government motor vehicles at isolated Government installations (S. Rept. 1536); S. 3243, to extend until June 30, 1955, the period during which disposals of surplus property may be made by negotiation (S. Rept. 1537); and H. J. Res. 300, to sell certain surplus land in Kerr County, Tex., to the Texas Hill County Development Foundation for use of 4-H clubs, etc. (S. Rept. 1538)(p. 7458).
8. PERSONNEL; EXPENDITURES. Sen. Byrd inserted an additional report of the Joint Committee on Reduction of Nonessential Federal Expenditures regarding employment (pp. 7458-61).
9. TRADE AGREEMENTS. Sen. Gillette spoke in favor of continuation of the Reciprocal Trade Agreements Act and criticized the Republican leadership for not acting sooner on this matter. Sen. Ferguson took issue with him on this and stated that no hardship would result if the Act is not extended prior to its expiration. (pp. 7464-7.)
10. PRICE SUPPORTS. Sen. Beall defended Secretary Benson's flexible price-support program and outlined the various farm and other organizations which participated in its development (p. 7487).
11. CONTAINERS. The Interstate and Foreign Commerce Committee ordered reported (but did not actually report) H. R. 8357, to amend the Standard Container Act to provide for a 3/8 bushel basket (p. D654).
12. TAXATION. The Finance Committee completed marking up H. R. 8300, the general tax revision bill, following which it was announced that the Committee had taken further tentative actions with respect to provisions of the House-passed version, including Sec. 175 on soil-water conservation expenditures, as follows: "The committee reconsidered this provision and decided to make it applicable in the case of certain special assessment expenditures of the taxpayer for water conservation" (pp. D652-4).
13. LAND TRANSFER. H.R. 3097, to donate the USDA Grape Station at Oakville Calif., to the Univ. of Calif., was made the Senate's unfinished business (p. 7500).
14. ADJOURNED until Fri., June 11 (p. 7502). The Legislative Program as announced by Majority Leader Knowland: Fri., it is expected that the unfinished business will be laid aside and the State, Justice, Commerce appropriation bill will be considered (p. 7502).

PROVISION FOR A THREE-EIGHTHS-BUSHEL BASKET FOR
FRUITS AND VEGETABLES

JUNE 11, 1954.—Ordered to be printed

Mr. PURTELL, from the Committee on Interstate and Foreign
Commerce, submitted the following

REPORT

[To accompany H. R. 8357]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 8357) to amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i) to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill, as its title indicates, is to allow the manufacture and use of $\frac{3}{8}$ -bushel hamper and round stave baskets for fruits and vegetables, as requested by growers of peaches, apples, other fruits and vegetables.

GENERAL STATEMENT

The Standard Container Act of May 21, 1928 (Public Law No. 462, 70th Cong.) fixes the standard sizes of hampers, round stave baskets, and splint or market baskets for fruits and vegetables. With respect to hampers and round stave baskets, the law provides for 9 standard sizes of the following capacities: $\frac{1}{8}$ bushel, $\frac{1}{4}$ bushel, $\frac{1}{2}$ bushel, $\frac{5}{8}$ bushel, $\frac{3}{4}$ bushel, 1 bushel, $1\frac{1}{4}$ bushels, $1\frac{1}{2}$ bushels, and 2 bushels. With respect to the splint, or market baskets, the law provides for 6 standard sizes of the following capacities: 4 quarts, 8 quarts, 12 quarts, 16 quarts, 24 quarts, and 32 quarts, standard dry measure.

The dimension specifications for these hampers, round stave baskets and splint baskets for fruits and vegetables must be submitted to, and be approved by, the Secretary of Agriculture, who is charged with the administration of this law. The Secretary is directed to approve the specifications for such baskets if he finds that they are not deceptive in appearance, and are of the capacities specified in the law. It is unlawful to manufacture, sell, offer for sale, or ship such

baskets if they do not correspond to one of the standard capacities stated in the law.

PURPOSE OF AND NEED FOR LEGISLATION

The reported bill would merely provide for one additional sized basket, namely, the $\frac{3}{8}$ -bushel capacity, in the hamper or round stave style. The act already provides for a 12-quart splint basket, which is the equivalent of the $\frac{3}{8}$ -bushel capacity. The reported bill would, therefore, authorize a basket of somewhat different shape from the splint basket, but of a capacity identical to the 12-quart splint basket. The proposed $\frac{3}{8}$ -bushel hamper and round stave baskets could be put to use in the packaging and shipment of certain fruits and vegetables for which the already existing 12-quart or $\frac{3}{8}$ -bushel splint basket is not adaptable.

Testimony presented to the committee during the hearing on this bill established to the satisfaction of the committee the need for this $\frac{3}{8}$ -bushel round stave basket as an aid to the marketing of fruits and vegetables, particularly peaches. The market for fresh fruits has been depressed, from time to time, in recent years. The committee was advised that the proposed basket would stimulate the demand for, and additional consumption of, fresh fruits and vegetables, would broaden the market for growers, and would accomplish delivery of the fruits and vegetables in a better condition—with less bruising and injury to the contents. This size of basket, it was stated, would be very attractive as a gift package, and would contain just enough quantity of fruits and vegetables for the average family to consume before the onset of decay.

COMMITTEE HEARINGS

Hearings were held by the House Committee on Interstate and Foreign Commerce on March 22 and April 9, 1954. The bill passed the House with very little opposition. On May 20 and June 8, 1954, hearings were held by your committee's Subcommittee on Business and Consumer Interests on this bill and an identical companion bill, S. 3151, introduced by the late Senator Hoey of North Carolina.

The following letter received from Mr. Jack Spain, the late Senator Hoey's administrative assistant, will explain why action was taken upon the House-approved bill.

UNITED STATES SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
May 19, 1954.

Re S. 3151.

Hon. WILLIAM A. PURTELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have just received notice that your subcommittee will hold a hearing at 2:30 p. m. Thursday, May 20, in room F-41 of the Capitol on the above identified bill.

Senator Hoey had stated to me before his death that he intended to appear in person in support of his bill. Since his death I had planned to attend but since the hearing comes on the same date as the State Democratic convention I will not be able to attend the hearing, and I am writing this letter expressing the views that Senator Hoey had discussed with me.

Senator Hoey had received many requests from fruitgrowers in our State and the growers of beans and other vegetables requesting that he introduce a bill to amend the Standard Container Act of May 21, 1928, to provide for a three-

eighths basket for fruit and vegetables, as this was the only division of the bushel measurement not included in the original act. He had received information from the chairman of the committee that the Secretary of Agriculture and the Bureau of the Budget had no objection to the passage of this bill. This information is a part of the original file. Senator Hocy was notified prior to his death of the passage of the companion bill in the House introduced by Congressman Barden, and it was his desire that the committee adopt the House bill without amendments in order to expedite passage due to the fact that fruitgrowers are nearly ready to harvest their crop in North Carolina.

With best wishes, I am

Sincerely yours,

JACK SPAIN, *Administrative Assistant.*

The hearings revealed that there is a large demand from growers of fruits and vegetables for this size basket. The weight of the $\frac{3}{8}$ -bushel basket when filled with fruits and vegetables can be carried more conveniently by the housewife. Furthermore, this size basket lends itself well to use as a gift package and can be mailed more easily than the larger size basket. Families today are smaller than they were in the past and there is an increasing demand for smaller size baskets for fruits and vegetables.

With respect to peaches, for instance, the hearings revealed that there is a demand today for tree-ripened peaches rather than the green peaches sold even a few years ago. Obviously, tree-ripened peaches are softer and require more care in handling and shipping. The $\frac{3}{8}$ -bushel basket will allow rows of peaches to be superimposed upon the bottom layer of peaches and permit shipping without crushing the bottom layer. Half-bushel baskets require depths of 7 or 8 peaches and too often crush or mash the 2 bottom layers. In 1928, when the original act was passed, commercial practices were different and a search of the hearings held at that time do not reveal a demand upon the part of industry for a $\frac{3}{8}$ -bushel basket.

Several Congressmen from North Carolina, Florida, and Pennsylvania testified at the hearings in support of this bill on behalf of fruit and vegetable growers in their districts. Peach and apple growers and manufacturers of baskets also supported this measure vigorously. It was pointed out that the Government has had to buy surpluses of peaches in the past and that anything that can be done to assist the distribution of peaches should tend to prevent the need for the purchase of such surpluses. Manufacturers testified that their only interest in this legislation is to satisfy the needs and demand of growers of fruits and vegetables.

Only one organization appeared in opposition to this bill. The National Conference on Weights and Measures, while holding a convention in Washington, D. C., on May 21, adopted a resolution opposing this bill upon the ground that a $\frac{3}{8}$ -bushel basket might lead to deception. Your committee's Subcommittee on Business and Consumer Interests inquired particularly into this aspect of this legislation during the hearings. The subcommittee examined witnesses upon this point. The subcommittee and your committee compared the $\frac{3}{8}$ -bushel basket with other size baskets and your committee is convinced that the appearance of the $\frac{3}{8}$ -bushel basket will not lead to deception. That is specially true in view of the fact that the Department of Agriculture must approve the shapes of baskets before they can be manufactured or used and this is an added and continuous protection under existing law. The Department of Agriculture will not approve a shape of a basket which is deceptive in appearance.

Of course, there is no more occasion to deceive the public through offering a $\frac{3}{8}$ -bushel basket for a $\frac{1}{2}$ -bushel basket, than there is to mislead the public with a $\frac{5}{8}$ -bushel basket offered for a $\frac{3}{4}$ -bushel basket. There is a difference of 4 quarts in both instances. The $\frac{5}{8}$ -bushel basket has been approved by law since the adoption of the original act, in 1928. There have been no complaints that the $\frac{5}{8}$ -bushel basket has led to fraud.

Furthermore, as pointed out above, the $\frac{3}{8}$ -bushel capacity has already been approved by law with respect to the splint-basket type. This bill would simply allow the same capacity in the hamper and round-stave basket type. It is interesting to note that if a grower or seller of fruits and vegetables desired to defraud his customers, he would not resort to trying to palm off a $\frac{3}{8}$ -bushel basket for a $\frac{1}{2}$ -bushel basket, but could simply pack his peaches, apples or beans in a cardboard or box container. There are no restrictions upon the sizes of such containers, except that their capacity must be stamped on the outside, as it is stamped on baskets.

None of the Government departments or agencies has objected to this bill. The Department of Agriculture, which is charged with the administration of the Standard Container Act, has approved this bill and has stated that the $\frac{3}{8}$ -bushel basket will not, in its opinion, lead to deception. Your committee agrees with this conclusion, believes that the approval of this size basket will serve a real need for growers, sellers and consumers of fruits and vegetables and recommends unanimously that the bill do pass.

THE SECRETARY OF COMMERCE,
Washington.

Hon. JOHN W. BRICKER,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This letter is in reply to your telephonic request of May 18, 1954, for the views of this Department with respect to H. R. 8357, a bill to amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths basket for fruits and vegetables.

You are advised that the Department of Commerce would interpose no objection to the enactment of this bill. The listing of standard hampers and round stave baskets for fruits and vegetables now included in the act of May 21, 1928 (45 Stat. 685) includes, among others, units of one-eighth, one-fourth, one-half, and five-eighths bushel. There appears to us no overriding objection to the inclusion of the proposed $\frac{3}{8}$ -bushel unit.

We have been advised by the Bureau of the Budget that they would interpose no objection to the submission of this report to your committee.

If we can be of further assistance in this matter, please call on us.

Sincerely yours,

Secretary of Commerce.

DEPARTMENT OF AGRICULTURE,
Washington 25 D. C., April 15, 1954.

Hon. JOHN W. BRICKER,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

Dear Senator BRICKER: This is in reply to your letter of March 18 requesting a report on S. 3151, a bill to amend the Standard Container Act of 1928 (45 Stat. 685; 15 U. S. C. 257-257i) to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables.

The purpose of the bill is to provide, in addition to the standard sizes now provided in section 1 of the act, a $\frac{3}{8}$ -bushel size of both hamper and round stave basket for fruits and vegetables. We understand that the proponents of the measure state that this type and size of container is needed in the marketing and distribution of fresh fruits and vegetables, particularly as a gift package for shipment by parcel post.

We have no information on the merits of the proposed container as a marketing necessity, except to observe that the proposed size, $\frac{3}{8}$ -bushel or 12 quarts, is among the sizes of containers commonly used in the marketing and distribution of fruits and vegetables. Among the latter is the 12-quart climax basket provided in the Standard Container Act of 1916, and the 12-quart splint basket provided in section 2 of the Standard Container Act of 1928.

Since the proposal would introduce no new concept so far as size is concerned, the only other question would appear to be whether a $\frac{3}{8}$ -bushel hamper or round stave basket would conform to that part of section 4 of the act which provides in effect that Hampers, round stave baskets, and splint baskets for fruits and vegetables shall be not only of proper cubical capacity but not deceptive in appearance.

Samples of round stave baskets which have been submitted to and examined by the Department were found to be of proper cubical capacity within the tolerances prescribed for $\frac{3}{8}$ -bushel containers and were not found to be deceptive in appearance. Consequently, the specifications for such a container would be approvable under the provisions of the act.

Addition of this container to the standard containers would not require the expenditure of additional funds for administration of the act.

The Department has no objection to the passage of this bill.

The Bureau of the Budget advises that from the standpoint of the program of the President, there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Under Secretary.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION I OF THE STANDARD CONTAINER ACT OF MAY 21, 1928

That the standard Hampers and round stave baskets for fruits and vegetables shall be of the following capacities: One-eighth bushel, one-fourth bushel, *three-eighths bushel*, one-half bushel, five-eighths bushel, three-fourths bushel, one bushel, one-and-one-fourth bushels, one-and-one-half bushels, and two bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this Act a bushel, standard dry measure, has a capacity of two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

(a) The standard one-eighth-bushel hamper or round stave basket shall contain two hundred and sixty-eight and eight-tenths cubic inches.

(b) The standard one-fourth-bushel hamper or round stave basket shall contain five hundred and thirty-seven and six-tenths cubic inches.

(bb) *The standard three-eighths bushel hamper or round stave basket shall contain eight hundred and six and four-tenths cubic inches.*

(c) The standard one-half-bushel hamper or round stave basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches.

(cc) The standard five-eighths-bushel hamper or round stave basket shall contain one thousand three hundred and forty-four cubic inches.

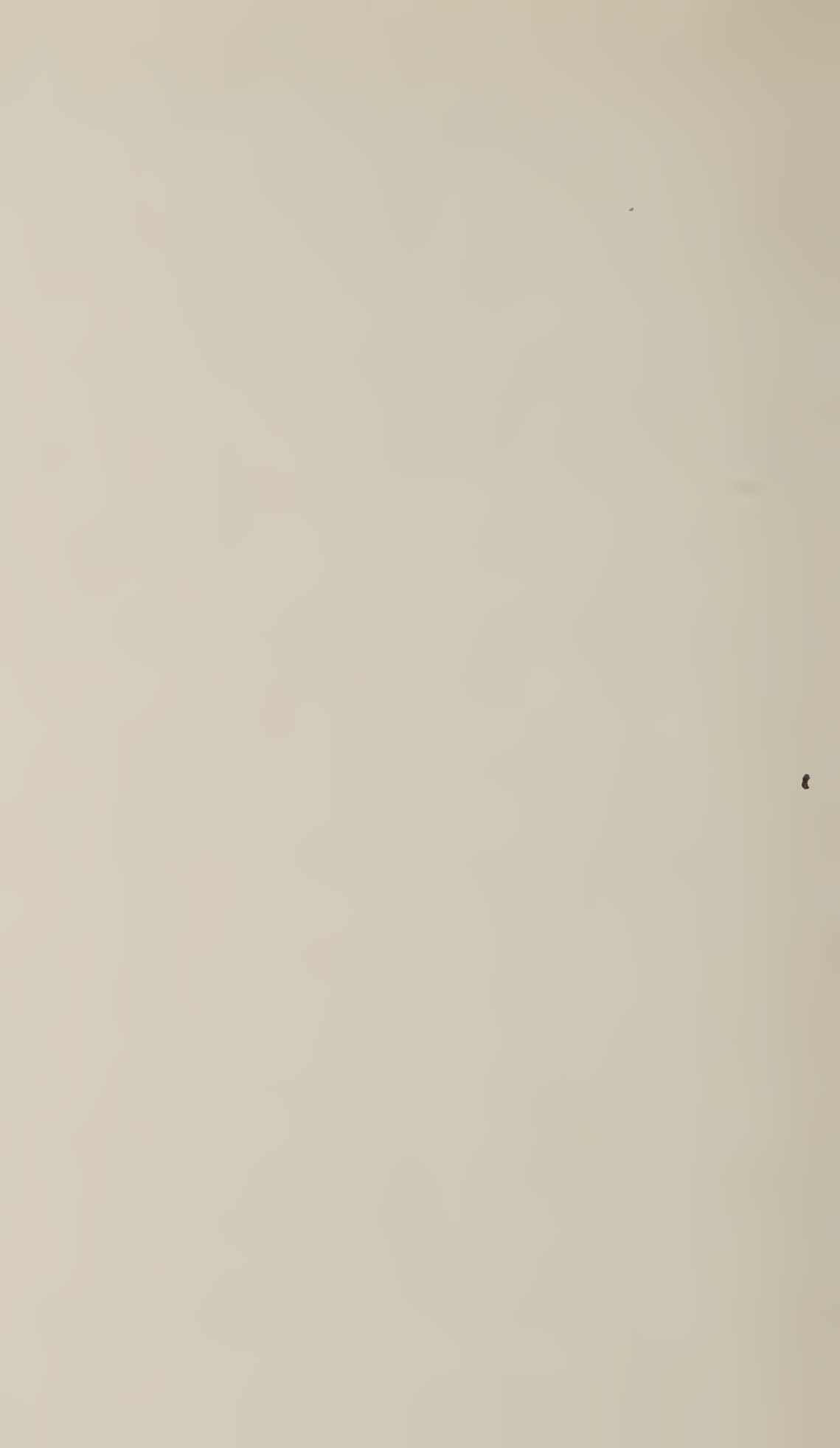
(d) The standard three-fourths-bushel hamper or round stave basket shall contain one thousand six hundred and twelve and eight-tenths cubic inches.

(e) The standard one-bushel hamper or round stave basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

(f) The standard one-and-one-fourth-bushel hamper or round stave basket shall contain two thousand six hundred and eighty-eight cubic inches.

(g) The standard one-and-one-half-bushel hamper or round stave basket shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches.

(h) The standard two-bushel hamper or round stave basket shall contain four thousand three hundred and eighty-four one-hundredths cubic inches.



Calendar No. 1595

83^D CONGRESS
2^D SESSION

H. R. 8357

[Report No. 1585]

IN THE SENATE OF THE UNITED STATES

MAY 12 (legislative day, APRIL 14), 1954

Read twice and referred to the Committee on Interstate and Foreign Commerce

JUNE 11, 1954

Reported by Mr. PURTELL, without amendment

AN ACT

To amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths bushel basket for fruits and vegetables.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Act entitled "An Act to fix standards
4 for hampers, round-stave baskets, and splint-baskets for fruits
5 and vegetables, and for other purposes", approved May 21,
6 1928, is amended by (1) inserting after "one-fourth bushel"
7 and before "one-half bushel", the words "three-eighths
8 bushel", and (2) by inserting after subparagraph (b) an
9 additional subparagraph (bb) reading as follows:

10 “(bb) The standard three-eighths bushel hamper or

1 round-stave basket shall contain eight hundred and six and
 2 four-tenths cubic inches.”

3 SEC. 2. This Act shall take effect immediately after the
 4 date of its enactment.

Passed the House of Representatives May 11, 1954.

Attest:

LYLE O. SNADER,

Clerk.

Calendar No. 1595

89th CONGRESS
 2^d Session

H. R. 8357

[Report No. 1585]

AN ACT

To amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths bushel basket for fruits and vegetables.

MAY 12 (legislative day, APRIL 14), 1954

Read twice and referred to the Committee on
 Interstate and Foreign Commerce

JUNE 11, 1954

Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 16, 1954
For actions of June 15, 1954.
83rd-2nd, No. 110

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HIGHLIGHTS: House debated surplus commodities bill. House Rules Committee cleared bills to continue rural housing program, provide for motor vehicle pools, and revise Virgin Islands organic act. House committee reported bill to transfer CCC seeds to Forest Service, etc. House received conference report on independent offices appropriation bill. Senate passed bills to: Transfer USDA grape research station to U. of Calif, authorize 3/8 bus. basket, transfer land tract for extension work in Tex. Senate committee ordered reported bill to extend trade agreements program. Sen. Aiken inserted and discussed new USDA regulations on ASC committees. Sen. Martin introduced and discussed bill to establish national water resources policy. Sen. Wiley introduced self-help dairy bill. Sen. Welker introduced and discussed bill to require potato labeling and inspection.

HOUSE

- 1. SURPLUS COMMODITIES.** Began debate on S. 2475, the proposed "Agricultural Trade Development and Assistance Act of 1954" (pp. 7326-59). (For provisions of this bill see Digest 107.) Agreed to an amendment by Rep. Kelly, N. Y., to clarify the term "friendly nation" (pp. 7353-4). Agreed, 59-26, to an amendment by Rep. Dies to require the President to secure (as well as seek) commitments to prevent undesirable resale or transshipment (pp. 7354-5). Rejected, 37-74, an amendment by Rep. Dies to prohibit sale of agricultural commodities to any nation which exports or sells agricultural commodities to any Communist nation (pp. 7354-7). Agreed to various perfecting amendments by Reps. Judd and Burleson (pp. 7357-9).
- 2. HOUSING.** The Rules Committee reported a resolution to send to conference H. R. 7339, the housing bill which includes a provision extending the farm housing program administered by this Department (p. 7310).
- 3. VEHICLES; FURNITURE.** The Rules Committee reported a resolution for consideration of H. R. 8753, to authorize GSA to establish and operate Government motor pools and systems and to provide office furniture and furnishings when agencies are moved to new locations, to direct GSA to report the unauthorized use of Government motor vehicles, and to authorize the Civil Service Commission to regulate

operators of Government vehicles (p. 7810).

4. VIRGIN ISLANDS. The Rules Committee reported a resolution for consideration of H. R. 5181, to revise the Virgin Islands organic act including a provision regarding importation of diseased animals (p. 7810).

5. CCC SEEDS; FORESTRY. The Banking and Currency Committee reported with amendment S. 2987, to provide for transfer of surplus CCC seeds to the Forest Service and the Bureau of Land Management (H. Rept. 1871)(p. 7863).

6. D. C. APPROPRIATION BILL, 1955. Passed with amendments this bill, H. R. 9517 (pp. 7809-10).

7. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 8520, to provide for construction of the Ainsworth, Lavaca Flats, Mirage Flats Extension, and O'Neill irrigation developments as units of the Missouri River Basin project (H. Rept. 1868)(p. 7863).

... This Committee also reported without amendment H. R. 8027, to extend the time during which Interior may enter into amendatory repayment contracts under the Federal reclamation laws (H. Rept. 1869)(p. 7863).

House conferees were appointed on H. R. 5731, to authorize facilities for joint use of the Navy and farmers on the Santa Margarita River, Calif. (p. 7810). Senate conferees have not yet been appointed.

The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 236, to authorize the Fryingpan-Arkansas project (p. D686).

8. SCS AUDIT. Received from the Acting Comptroller General a report on the audit of SCS for the fiscal years 1951 and 1952; to Government Operations Committee (p. 7863).

9. RESEARCH. Received from this Department a printed copy of the OES report for 1953 (p. 7863).

10. INDEPENDENT OFFICES APPROPRIATION BILL, 1955. Received the conference report on this bill, H. R. 8583 (pp. 7859-61). It is expected that this matter will be considered today (p. D685). The conferees recommended revised amounts for the Council of Economic Advisers, management improvement fund, Advisory Committee on Weather Control, GSA buildings management, National Science Foundation, and Tennessee Valley Authority.

SENATE

11. CONTAINERS. Passed without amendment H. R. 8357, to amend the Standard Container Act so as to provide for a 3/8 bushel basket for fruits and vegetables (pp. 7781-2). This bill will now be sent to the President.

12. LAND TRANSFERS. Passed without amendment H. R. 3097, to donate the USDA Grape Research Station at Oakville Calif., to the Univ. of Calif. (pp. 7790, 7793-6). This bill will now be sent to the President.

Passed without amendment H. J. Res. 300, to convey to the Texas Hill Country Development Foundation of certain surplus land situated in Kerr County, Texas for use of 4-H clubs, etc. (p. 7772). This bill will now be sent to the President.

Passed with amendment (correcting a typographical error) H. J. Res. 458, to direct the Secretary of Agriculture to quitclaim retained rights in a tract of former FHA land to the Board of Education of Irwin County, Ga. (pp. 7771-2).

bill is the way to get it. I merely wish to have the RECORD show that passage of the bill will mean a change in policy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GORE. Mr. President, does not the distinguished Senator from Washington think it wise that the RECORD show plainly that by the passage of the bill, there is no intent on the part of the Senate to give any encouragement to a claim later for reimbursement for such impoundment of water as will lend itself to protection against floods?

Mr. MAGNUSON. I think that is correct.

Mr. GORE. I think it is especially important that the RECORD show that, in view of the fact that there is now pending a bill, Senate bill 3434, which proposes a policy by which the taxpayers of the country will have to reimburse private concerns for whatever benefits may have accrued or may hereafter accrue downstream as a result of the impoundment of waters, even though such concerns are benefiting free of charge from the use of the natural resources. I wish to have the RECORD show plainly that there is no implication that we endorse that kind of payment now or in the future.

Mr. MAGNUSON. I agree with the Senator from Tennessee. I am sure the two Senators from Alabama never had any such intention in framing the provisions of the bill. What they have tried to say, and I think what they do say, and I think what the Senator from Connecticut explained, is that should we adopt a future policy we would not leave out the Alabama company.

Mr. HILL. The people of Alabama would not want to be considered guilty of laches.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 8923) was considered, ordered to a third reading, read the third time, and passed.

ADVANCEMENT OF COMDR. DONALD B. MACMILLAN TO THE GRADE OF REAR ADMIRAL

The bill (S. 3476) to provide for the advancement of Comdr. Donald B. MacMillan, United States Naval Reserve (retired), to the grade of rear admiral on the Naval Reserve retired list was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Comdr. Donald B. MacMillan, United States Naval Reserve, retired, shall be advanced on the Naval Reserve retired list to the grade of rear admiral effective as of the date of enactment of this act, in recognition of his lifelong and invaluable services on behalf of the United States and the United States Navy through outstanding contributions to the sciences of hydrography, meteorology, and geography in the polar areas.

SEC. 2. Nothing contained in this act shall be deemed to increase the retired or retirement pay received by the said Comdr. Donald B. MacMillan and no other benefits shall accrue to him by virtue of the enactment thereof.

Mrs. SMITH of Maine. Mr. President, I ask that there be printed in the RECORD in connection with the bill just passed a joint statement prepared by myself and my colleague the junior Senator from Maine [Mr. PAYNE], paying tribute to Commander MacMillan.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF SENATORS SMITH AND PAYNE ON DONALD BAXTER MACMILLAN

Donald Baxter MacMillan, commander, USNR, retired, was born November 10, 1874, in Provincetown, Mass. While still a boy, he moved to Freeport, Maine. It was natural for him to become interested in the sea for his family had been mariners, and his father was lost at sea. In 1898 he graduated from Bowdoin College. For the next 10 years he was engaged in teaching.

In 1909 MacMillan was first assistant on the successful Peary expedition to the North Pole. Since 1910 he has led 29 polar exploratory and scientific expeditions. This month he will leave on his 30th trip North from Boothbay Harbor, Maine. He has made a major contribution to the sciences of hydrography, meteorology, and geography in the polar areas.

In World War I he served as a lieutenant in the United States Navy. In 1941 he was recalled to active duty and worked on the location of installations in the North and as a consultant on all Arctic work. He retired with the grade of commander. It is believed his promotion on the retired list will be a fitting recognition of his outstanding services to the United States and the United States Navy. Both Admiral Peary and Admiral Byrd were given similar promotions after their retirement.

Commander MacMillan is the author of *Four Years in the White North* (1918); *Etah and Beyond* (1927); *Kah-da* (1930); *How Peary Reached the Pole* (1934); *Eskimo Place Names and Aid to Conversation* (1943).

Commander MacMillan is a Fellow of Royal Geographical Society, Fellow of American Geographical Society, Member of American Geophysical Union, Member of American Association for the Advancement of Science, Director of the Grenfell Association, and Director of Kent Island Scientific Station.

Among the honors and awards which he has received are the following: Elisha Kent Kane Gold Medal, 1927; special Congressional Medal, 1944; Chicago Geographic Society Medal, 1949; Explorers Club Medal, 1953; Hubbard Gold Medal of the National Geographic Society, 1953; Bowdoin Prize, 1953.

Donald MacMillan is one of our most noted citizens. His reputation as an explorer, lecturer, author, and educator is national. He has served his country well in both war and peace in a region of ever-increasing strategic importance. The value of his pioneer efforts in the North cannot be overestimated.

Mrs. SMITH of Maine. Mr. President, I join with my colleague from Maine in expressing appreciation for being able to cooperate with our colleagues in honoring this fine citizen.

BILL PASSED OVER

The bill (H. R. 8873) making appropriations for the Department of Defense and related independent agency for the fiscal year ending June 30, 1955, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Mr. President, this is obviously a bill not to be considered on the Consent Calendar, and I ask that it be passed over.

The PRESIDING OFFICER. The bill will go over.

AMENDMENT OF STANDARD CONTAINER ACT OF MAY 21, 1928

The bill (H. R. 8357) to amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, may we have an explanation of the bill?

Mr. PURTELL. Mr. President, this bill proposes to amend the Standard Container Act of May 21, 1928, so as to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables. The Standard Container Act of May 21, 1928, as my colleagues know, fixes the standard sizes of hampers, round stave baskets, and splint or market baskets for fruits and vegetables. With respect to hampers and round stave baskets, the law provides for 9 standard sizes of the following capacities: $\frac{1}{8}$ bushel, $\frac{1}{4}$ bushel, $\frac{1}{2}$ bushel, $\frac{3}{8}$ bushel, $\frac{3}{4}$ bushel, 1 bushel, $1\frac{1}{4}$ bushels, $1\frac{1}{2}$ bushels, and 2 bushels. Now, this is very important: With respect to the splint or market basket, the law provides for 6 standard sizes, 1 of which, Mr. President, is a 12-quart or $\frac{3}{8}$ -bushel basket. With respect to the splint, or market baskets, the law provides for 6 standard sizes of the following capacities: 4 quarts, 8 quarts, 12 quarts, 16 quarts, 24 quarts, and 32 quarts, standard dry measure.

The dimension specifications for these hampers, round stave baskets and splint baskets for fruits and vegetables must be submitted to, and be approved by, the Secretary of Agriculture, who is charged with the administration of this law.

The purpose of the bill is to provide for a $\frac{3}{8}$ -bushel basket. Peach and apple growers from North Carolina, Florida, Pennsylvania, and New York testified to the need for this new size basket. The demand for fruits is in smaller portions. The growers find there is a need for a smaller basket in which to pack peaches, for example, and the need is evidenced by the fact that new peaches are tender. They can be permitted to remain on the trees longer. If such peaches are packed in 3 or 4 tiers rather than 8 tiers, they will not be bruised. The committee agreed with the witnesses that such a basket would stimulate the market for apple and peach growers, and would in no way lead to deception.

Mr. HENDRICKSON. If the bill should be enacted into law, would there be any interference with State regulation at the State levels?

Mr. PURTELL. To the best of my knowledge, there would be none. There could not be any conflict with State law, because all these measures come under the Federal law.

Mr. HENDRICKSON. I thank the Senator.

Mr. GORE. Did not the National Conference on Weights and Measures send representatives before the Senator's committee; and did not they speak in

opposition to the bill on the ground that it would be deceptive to the public?

Mr. PURTELL. That is correct. The conference was meeting in Washington at the time when we had the first day of the hearings. The conference sent to the hearings a witness who indicated that there would be deception in the use of the basket, whether initially or subsequent to the first shipment or use. The committee went very exhaustively into the matter. Let me say that I have here one of the baskets, and I shall be glad to display it. I am sure there cannot be deception in connection with its use.

Mr. GORE. I will take the Senator's judgment as to that.

Was the action of the subcommittee on this matter unanimous?

Mr. PURTELL. The action of the subcommittee was unanimous. We believe that no deception can be practiced as a result of the enactment of this measure or the use of a basket of this size. We believe there is need for the basket, and that it will result in increasing the market for such fruit.

Let me call the Senator's attention to the fact that not too long ago the Government had to purchase the surplus peach crop; and we believe the use of these baskets will widen the market for peaches.

Mr. BRICKER. Mr. President, will the Senator from Connecticut yield to me?

Mr. PURTELL. I yield.

Mr. BRICKER. I should like to point out that the full committee was unanimously in favor of this measure.

Mr. ERVIN. Mr. President, as a matter of fact, all the bill does is permit the use of a basket of a different shape, but of a size already authorized by law.

Mr. PURTELL. That is correct.

I may point out for the information of the Senate—in view of the need, perhaps, to have subsequent action taken on the same subject—that if vegetables or fruits are packed in a container other than a stave or wicker container, they can be packed in a container of any size whatsoever; there is no Federal law on the subject.

Mr. ERVIN. Furthermore, the Department of Agriculture favors this bill, does it not?

Mr. PURTELL. That is correct. Let me say, in addition, that the Department of Agriculture will have to pass on all the baskets, before they can be used; and, under the law, they must be properly stamped. Of course, that is provided for in the bill.

Mr. HOLLAND. Mr. President, the fruitgrowers in my State are very anxious to have the bill enacted, because of the increasing demand for tender fruits that have been ripened on the trees, rather than for the shipment of fruits that have been packed when green, as used to be the case.

This measure calls for a smaller basket than the one-half bushel basket which has been used heretofore. The fruit growers believe that a three-eighths bushel hamper of this kind, which is round and made of staves, is a better container for the shipment of mature fruit, rather than the three-eighths

bushel basket made of splints, which already is legalized, but does not lend itself so well to the transportation of tree-ripened fruit.

It is my understanding that there is no opposition from any quarter to this bill, and that the conference which voiced objection, at the time when it met in Washington, was without the benefit of an actual model of the basket which, when constructed, showed very clearly that there was a sufficient difference in size so as not to make it possible to deceive through the use of the three-eighths bushel basket.

Mr. PURTELL. The Senator from Florida is correct.

Mr. HOLLAND. Furthermore, I think the Senate will be interested in knowing that this was the last bill offered to the Senate by our esteemed colleague, the late Senator Hoey, of North Carolina. I am sure the Members of the Senate would like to know that he personally was strongly in support of this measure; and a letter from his former assistant, which is printed in the report, shows that Senator Hoey planned to appear personally on this matter and to be in the Senate Chamber when the bill was considered on the floor.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 8357) to amend the Standard Container Act of May 21, 1928 (45 Stat. 685, 15 U. S. C. 257-257i) to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables was considered, ordered to a third reading, read the third time, and passed.

IMPLEMENTING THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA

The Senate proceeded to consider the bill (S. 2453) to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio equipment and radio operators on board ship, which had been reported from the Committee on Interstate and Foreign Commerce with amendments.

The PRESIDING OFFICER. The clerk will proceed to state the amendments reported by the committee.

The first amendment of the committee was on page 2, in line 17, after "January 1", to strike out "1954" and insert "1955."

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to strike out:

(c) Subsection 352 (b) of such Act is amended to read as follows:

"(b) The Commission may grant to passenger and cargo ships exemptions of a partial or conditional nature, or complete exemption from the provisions of this part, if it considers that the maximum distance of the ship from the nearest land, the length of the voyage, the absence of general navigational hazards, and other conditions affecting safety, are such as to render full application of this part unreasonable or unnecessary."

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

(c) Section 352 of such Act is amended by adding at the end thereof a new subsection as follows:

"(c) If, because of unforeseeable failure of equipment, a ship is unable to comply with the the equipment requirements of this part without undue delay of the ship, the mileage limitations set forth in paragraphs (1) and (2) of subsection (b) shall not apply: *Provided*, That exemption of the ship is found to be reasonable or necessary in accordance with subsection (b) to permit the ship to proceed to a port where the equipment deficiency may be remedied."

The amendment was agreed to.

The next amendment was, on page 5, line 10, after the word "the", to strike out "United States, but during the emergency proclaimed by the President on December 16, 1950, to exist, but not after the termination of such emergency or such earlier date as Congress by concurrent resolution may designate, the aforesaid requirement of six months' previous service may be suspended or modified by regulation or order of the Commission for successive periods of not more than six months' duration" and insert "United States."

The amendment was agreed to.

Mr. GORE. Mr. President, upon consideration of the bill and its amendments, I find that it is rather complicated. It affects the implementation of a treaty. Therefore, I ask that the bill go over.

Mr. BRICKER. Mr. President, will the Senator yield to me?

Mr. GORE. I yield.

Mr. BRICKER. The bill is not so complicated as its length or provisions would make it seem. All the bill does is to implement the international agreement entered into at London, in regard to safety at sea. The agreement was entered into in 1948, and subsequently was ratified by the Senate.

The bill gives to the Federal Communications Commission authority to require, in the case of coastwise vessels not engaged in international trade, the same provisions for safety at sea that are required by the London convention in the case of all vessels over 1,600 tons gross weight.

I think the bill was approved unanimously by the committee. The senior minority member of the committee is present at this time, and I think he approved the bill at that time. It is a Senate bill, and will require consideration by the House of Representatives, and, no doubt, extensive hearings.

There was no objection by any department of the Government with which we communicated, and we communicated with all of them; and there was much support of the bill on the part of various departments of the Government, particularly the Federal Communications Commission and the Maritime Commission.

Mr. GORE. Mr. President, in view of the fact that both the chairman of the committee and the ranking minority member are on the floor and we are prepared to make statements on the bill, I withdraw my objection.

Mr. MAGNUSON. I thank the Senator from Tennessee.

Public Law 434 - 83d Congress
Chapter 406 - 2d Session
H. R. 8357

AN ACT

All 68 Stat. 301.

To amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths bushel basket for fruits and vegetables.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to fix standards for hampers, round-stave baskets, and splint-baskets for fruits and vegetables, and for other purposes", approved May 21, 1928, is amended by (1) inserting after "one-fourth bushel" and before "one-half bushel", the words "three-eighths bushel", and (2) by inserting after subparagraph (b) an additional subparagraph (bb) reading as follows:

Fruit and vegetable 3/8-bushel basket.

45 Stat. 685.
15 USC 257.

"(bb) The standard three-eighths bushel hamper or round-stave basket shall contain eight hundred and six and four-tenths cubic inches."

Capacity.

SEC. 2. This Act shall take effect immediately after the date of its enactment.

Effective date.

Approved June 28, 1954.

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